

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG, ETHEL ROSENBERG,
et al,

C-134-245

Defendants.
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TO THE HONORABLE JUDGES OF SAID COURT:

The petition of JULIUS ROSENBERG and ETHEL ROSENBERG, by EMANUEL H. FLOCH, their attorney, respectfully represents:

FIRST: The petitioners are unjustly, unlawfully and illegally detained and imprisoned by Wilfred L. Denno, Warden of Sing Sing Prison, Ossining, New York, a New York State penal institution, acting as the agent for and under the direction of the Attorney General of the United States or his authorized representative to whose custody they were commended, under and by virtue of separate judgments entered and commitments issued by the United States District Court for the Southern District of New York, dated and filed April 5, 1951 against each of the petitioners.

SECOND: The indictment, against the petitioners (a superseding indictment following two previous ones) was returned in this Court on January 31, 1951 on charges, in a single count, that they conspired with others, from June 6,

1/ For the convenience of the Court and of all parties to this proceeding, the printed copy of the record, filed with the Supreme Court of the United States on the petitioners' petition to that Court, as hereafter stated, is made part of the moving papers herein, and marked as to Volume I, Exhibit "A" and as to Volume II, Exhibit "B". References to this record will be made herein as "R". All of the other exhibits hereinafter referred to are also annexed hereto and made a part thereof.

1944 and until June 16, 1950, to transmit to the Union of Soviet Socialist Republics "documents, writings, sketches, notes and information relating to the national defense of the United States of America" with "intent or reason to believe that they would be used to the advantage of" that foreign nation, in violation of Section 34, Title 50 of the United States Code (now 18 U.S.C.A. 794). (R. 2-4, 5, 6)

THIRD: Their trial, together with the co-defendant, MARTIN SOBELL, before a Court and Jury in this Court, commenced on March 6, 1951 and continued until March 29, 1951, when the jury returned separate verdicts of guilty against each of them. (R. 35-1579)

FOURTH: On April 5, 1951 they were sentenced to death by electrocution by Hon. Irving I. Kaufman, the trial judge, and, as aforementioned, the judgments and commitments were made and filed in the Office of the Clerk of this Court on said April 5, 1951. (R. 1612-20; 27, 28)

FIFTH: Pursuant to the authority vested in him by the provisions of Section 4082, of Title 18 of the United States Code, the Attorney General or his authorized representative, caused and ordered the transfer of the petitioner, ETHEL ROSENBERG on or about April 11, 1951, and of petitioner, JULIUS ROSENBERG on or about May 15, 1951 to the Sing Sing Prison at Ossining, New York, where they have remained and now are presently detained to await execution, since no "available, suitable and appropriate institutions" were maintained by the Federal Government within the Southern District of New York which had facilities to carry out the execution of the sentence of death of the petitioners in the manner prescribed by the judgment of conviction.

SIXTH: Thereafter the petitioners duly appealed to the United States Court of Appeals for the Second Circuit from the aforesaid judgments of conviction, which were stayed pending final determination of the appeal. On February 25, 1952, the United States Court of Appeals for the Second Circuit, affirmed the judgments of conviction of the petitioners. Its opinion is reported in 195 F.(2d) 562.

SEVENTH: Thereafter the petitioners duly petitioned the said United States Court of Appeals for the Second Circuit for a rehearing of their appeal. On April 8, 1952, the said Court denied the said petition. Its opinion is also reported in 195 F.(2d) 583.

EIGHTH: Thereafter the petitioners duly petitioned to the Supreme Court of the United States for a writ of certiorari to review the aforesaid decisions of the United States Court of Appeals for the Second Circuit. On October 13, 1952 the United States Supreme Court made and entered an order denying the said petition. No written opinion was rendered. Black, J., dissenting, noted his desire to grant the writ.

NINTH: Thereafter and on or about October 15, 1952, the Supreme Court of the United States, on the application of petitioners, made an order staying the issuance of its order of October 13, 1952 until its determination of a petition for a rehearing to be duly made before that Court by the petitioners.

TENTH: Thereafter and on October 28, 1952 the petitioners duly filed their petition with the Supreme Court of the United States for a rehearing and reversal of its order of October 13, 1952.

ELFVENTH: On November 17, 1952, the United States

Supreme Court made and entered an order denying petitioners' petition for a rehearing. Black, J., dissenting, noted his desire to grant the petitioners' prayer for relief. Frankfurter, J., wrote a memorandum opinion, not yet officially reported.

TWELFTH: Petitioners make this application praying that their sentence be vacated and set aside and that they be discharged from detention and imprisonment under the provisions of Sec. 2255, Title 28 of the United States Code on the ground that their conviction was unjustly, unlawfully and illegally procured in violation of the Constitution and laws of the United States and that the sentencing court was without jurisdiction to impose the sentence, so as to render the judgment subject to collateral attack.

THIRTEENTH: The grounds which petitioners urge in support of this application are as follows:

1. Pre-trial and trial publicity, bearing on the issues of the petitioners' case, adversely reflected upon their innocence, pre-conditioned the public mind in the Southern District of New York to an acceptance of their guilt, and created a trial atmosphere of prejudice and hostility toward them, through:

(a) Newspaper publicity developed by the independent initiative and private enterprise of the newspapers and other mass media of communication circulated within the Southern District of New York;

(b) Information, indicating the guilt of the petitioners "fed to" the press and other mass media of communication circulated within the City of New York by the Federal Bureau of Investigation, the Department of Justice, the office of the United

States Attorney for the Southern District of New York, and other officials of Government, and reported widely by the said media of publicity;

(a) The indictment of one, William Perl, procured by the prosecuting authorities in the Southern District of New York in the course of the trial and before the verdict of the petitioners, having the effect of prejudicing the minds of the jurors sitting in the petitioners' cause against the petitioners.

2. The prosecuting authorities knowingly used false testimony to bring about petitioners' conviction.

3. The sentencing court was without jurisdiction to impose the sentence; in that the material allegedly transferred and communicated, the gravamen of the offense, was arbitrarily and capriciously classified as "secret", when in fact it was lawfully, widely and publicly known, and its transmittal or communication, therefore, not violative of Section 32 (a) and 34 of Title 50 U.S.C.A.

GENERAL CLIMATE OF THE CASE

COURT ESTE: In October 10, 1952, subsequent to the trial proceedings in this case, the United States Court of Appeals, for the First Circuit, in Belaney v. United States (Number 4652, not yet reported) enunciated legal principles, not clearly established at the time of the petitioners' trial, concerning the effect of adverse "pervasive pre-trial publicity". The Court held that where an "enveloping hostile atmosphere" may result in the creation of a "public preconception of guilt", a defendant, tried under such conditions,

is deprived of his rights under the Sixth Amendment to the Constitution of the United States.

With respect to "this modern phenomenon of 'trial by newspaper'", where "pre-trial publicity of damaging material, tending to indicate the guilt of the defendant, is dug up by the initiative and private enterprise of newspapers", the Court stated: "The Supreme Court has not spoken its last word". It held directly that where such material is "fed to the press by prosecuting officials of the Department of Justice" the courts must, in the interests of "the administration of criminal justice in the federal courts" go beyond even "those minimal historic safeguards...which are summarized as 'due process of law'" to insure that "civilized standards of procedure and evidence" are established and maintained.

The petitioners here represent that a tremendous and almost unprecedented volume of pre-trial and trial newspaper publicity stimulated by the prosecuting officials as well as independently generated, hostile to them, had deeply ingrained in the public of the Southern District of New York, a profound conception of their guilt. No jury chosen from among this section of the population could have escaped that influence in arriving at its verdict.

To the preconception of the petitioners' culpability of the crime with which they were charged was added anger, hatred and resentment against them because their crime was falsely depicted to have been of a magnitude and character as to put in jeopardy the national security of the United States and the very survival of each of its citizens.

The remarks of the trial Court on sentence reflected this type of attitude toward the petitioners which prevailed from the time of their arrests through their trial, when he

state: "I consider your crime worse than murder... You have changed the course of history to the disadvantage of our country... Jolene Rosenberg was the prime mover in this conspiracy... Ethel Rosenberg... encouraged and assisted the cause... she was a full-fledged partner in this crime." (R. 1/18-1/16)

But within a week after the imposition of sentence upon the petitioners, a highly authoritative government report rated Nichols, Kay and Greenglass (along with British, Bruno Pontecorvo) as the only important atomic espionage agents, and subordinated the petitioners to a minor place. Report on Soviet Atomic Espionage Joint Comm. on Atomic Energy, 82nd Cong., 1st Sess. (U.S. Gov't Printing Office, 1951) pp. 5-7. Accords: The Shameful Years, House Comm. on Un-American Activities (U.S. Gov't Printing Office, 1952).

Nevertheless, the exaggerations and distortions, documented below, of the degree of the petitioners alleged crime, prevailed in the pre-trial and trial period and created a climate of hostility which transformed the trial into a proceeding bearing the superficial trappings of due process, but devoid of the indispensable content of fairness or reasoned deliberation.

The case of the petitioners is unique in this respect: the publicity which prejudiced them consisted not alone of aspersions on their innocence, but was the accumulation of propaganda, varied in its aspects, commencing months before their arrests and continuing to and including their trial. As it became specifically directed toward them by the prosecuting officials and the mass media of communication, the petitioners were engulfed in a wave of common anger,

and public opinion hardened into a certainty of their individual guilt.

Only the history of the contemporaneous period explains the effectiveness and force of the lines of publicity which fastened the guilt of the petitioners in the public mind.

The years from the close of World War II to the date of the arrest and trial of the petitioners, and to the present, were marked by a growing strain and tension in the relations between the United States and the Soviet Union. The tempo of the deterioration of the international situation, by the time of the arrest of the petitioners and their trial, quickened by the outbreak of the Korean conflict, had reached the stage of "enmity", popularly referred to as the "cold war". Exploiting ideological identity of Communists here and abroad, domestic Communists had been presented to the public as suspect in their loyalty to our Government.

The deep fear of the consequences to the American people of the development of the "cold war" into a shooting war, was mitigated, from Hiroshima to 1949, by reliance on the illusion that the United States maintained a monopoly on the atom-bomb--the most frightful and devastating weapon yet developed by man. The sense of security of the people of the United States that they would be safe in any war with the Soviet Union because of their sole possession of this super-weapon was shattered when, in September 1949, the President of the United States announced that the Soviet Union had exploded an atomic bomb.

When Dr. Klaus Fuchs, the British atomic scientist--Dr. J. Robert Oppenheimer's opposite number at the Los Alamos atom-bomb project--was arrested in England, in February,

1950, the American people were given to understand that the Soviet Union achieved mastery of the atomic weapon, when it did, only by virtue of the espionage activities of Fuchs and his cohorts, in transmitting to the Soviet Union the innermost "secrets" of American atomic bomb production. The circumstances that President Truman had publicly disclosed that he had ordered American production of the hydrogen bomb three days prior to Fuchs' arrest, and the charge that Fuchs had also delivered hydrogen bomb data to the Soviet Union compounded the shock. N.Y. Times, Feb. 1, 1950, p. 1 (Ex. II-A-1); N.Y. Daily Mirror, Feb. 1, 1950 p. 1 (Ex. II-B-1); N.Y. Post, Feb. 1, 1950, p. 1 (Ex. II-C-1).

The entire metropolitan press and national magazines circulated in this community, featured statements by J. Edgar Hoover, Director of the Federal Bureau of Investigation, Senator Brian McMahon, Chairman of the Congressional Committee on Atomic Energy, its individual members, the United States Atomic Energy Commission, and General Leslie R. Groves, wartime head of the over-all Atomic Manhattan Engineering Project, that Fuchs had had access to our most vital and closely guarded "secrets" of the atomic and hydrogen bombs and that his transmission of this information to the Soviet Union, in all probability, was the factor which enabled the Soviet Union to bring off an atomic explosion years before the United States Government had expected it. See, e.g.: N.Y. Times, Feb. 4, 1950, p. 2 (Ex. II-A-2); ibid, Feb. 12, 1950, p. 108 (Rev. of Wk.) (Ex. II-A-3); N.Y. Herald Tribune, Feb. 4, 1950 p. 1 (Ex. II-B-1); ibid, Feb. 5, 1950, p. 1 (Ex. II-B-2); ibid, Feb. 7, 1950 pp. 1, 21 (Ex. II-B-4); N.Y. Daily News, Feb. 4, 1950 p. 1, 2 (Ex. II-C-1); ibid, Feb. 5, 1950, pp. 2, 54 (Ex. II-C-2); ibid, Feb. 5, 1950 p. 36 (Ex. II-C-5).

N.Y. Daily Mirror, Feb. 4, 1950, pp. 1, 2 (Ex. II-2-3); N.Y. Journal American, Feb. 3, 1950, pp. 1, 4, 5 (Ex. II-2-2); *ibid*, Feb. 4, 1950, pp. 1, 2, 3 (Ex. II-2-3, 4); *ibid*, Feb. 5, 1950, p. 15 (Ex. II-2-7, 8); *ibid*, Feb. 10, 1950, pp. 1, 15, 16 (Ex. II-2-15-20); N.Y. World Telegram and Sun, Feb. 4, 1950 p. 1 (Ex. II-2-2); N.Y. Post, Feb. 10, 1950, pp. 1, 2, 47 (Ex. II-2-9); Time Magazine, Feb. 13, 1950, p. 24 (Ex. II-2-1); N.Y. Daily Mirror, Mar. 12, 1950, p. 3 (Ex. III-2-2); N.Y. Journal American, Mar. 11, 1950, p. 2 (Ex. III-2-1); N.Y. Post, Mar. 2, 1950, p. 15 (Ex. III-2-2); *ibid*, Mar. 12, 1950, p. 3 (Ex. III-2-4).

The U.S. Federal Bureau of Investigation, reportedly instrumental in the arrest of *Wachs*, in tandem with the British Prosecutor of *Wachs* and the presiding ^{Judge} *at his trial*, *advised the press that* the trial and sentence, *that the motivation for Wachs' espionage activities on behalf of the Soviet Union was ideological attachment to the principles of Communism. It was widely exploited in the metropolitan press as "an object lesson in the failure of modern Communism".* N.Y. Times, Feb. 5, 1950, pp. 2, 3 (Ex. II-4-4, 5); *ibid*, Feb. 7, 1950, p. 3 (Ex. II-4-7); *ibid*, Feb. 11, 1950, pp. 1, 2 (Ex. II-4-12); N.Y. Journal American, Feb. 7, 1950, p. 1 (Ex. II-4-1); *ibid*, Feb. 11, 1950, pp. 1, 4 (Ex. II-4-8); *ibid*, Feb. 12, 1950, pp. 1, 3 (Ex. II-4-10); N.Y. Daily Mirror, Feb. 4, 1950, pp. 1, 2, 3 (Ex. II-4-1); *ibid*, Feb. 7, 1950, p. 3 (Ex. II-4-4); *ibid*, Feb. 12, 1950, p. 12 (Ex. II-4-8); *ibid*, Mar. 20, 1950, p. 37 (Ex. II-4-9); N.Y. Daily Mirror, Feb. 13, 1950, p. 7 (Ex. II-4-2); *ibid*, Feb. 6, 1950, p. 3 (Ex. II-4-14); *ibid*, Feb. 11, 1950, pp. 1, 3 (Ex. II-4-15-16); N.Y. Journal American, Feb. 3, 1950, pp. 1, 4 (Ex. II-4-1, 2); *ibid*, Feb. 4, 1950, pp. 1, 7, 14 (Ex. II-4-3, 10); *ibid*, Feb. 10, 1950, pp. 1, 2, 3 (Ex. II-4-11).

15, 16, 17, 18, 19, 20); N.Y. World Telegram and Sun, Feb. 6, 1950, pp. 1, 11 (Ex. II-3-3, 11); 1950, Feb. 7, 1950, p. 16 (Ex. II-3-7); 1950, Feb. 11, 1950, p. 5 (Ex. II-3-11); N.Y. Post, Feb. 1, 1950, p. 1 (Ex. II-3-1); 1950, Feb. 10, 1950, p. 1, 2, 17 (Ex. II-3-10); 1950, Feb. 13, 1950, p. 2 (Ex. II-3-10); 1950, Feb. 13, 1950, p. 27 (Ex. II-3-11); 1950, Feb. 24, 1950, p. 12 (Ex. II-3-12); 1950, Feb. 15, 1950, p. 12 (Ex. II-3-13); Time Magazine, Feb. 13, 1950, p. 24 (Ex. II-3-1); 1950, Feb. 20, 1950, pp. 22, 23 (Ex. II-3-2); N.Y. Times, Mar. 2, 1950, pp. 1, 11 (Ex. II-3-1); N.Y. Herald Tribune, Mar. 2, 1950, pp. 1, 12 (Ex. II-3-2); N.Y. Daily News, Mar. 2, 1950, pp. 2, 11 (Ex. II-3-1); N.Y. Journal American, Mar. 1, 1950, p. 1 (Ex. II-3-1); N.Y. World Telegram and Sun, Mar. 1, 1950, p. 1 (Ex. II-3-1); N.Y. Post, Mar. 1, 1950, p. 1 (Ex. II-3-1); 1950, Mar. 5, 1950, p. 12 (Ex. II-3-2); Time Magazine, Mar. 13, 1950, p. 24 (Ex. II-3-1); New York, Mar. 13, 1950, p. 34 (Ex. II-3-2); N.Y. Herald Tribune, Mar. 21, 1950 (Ex. V-1-7).

The official treatment of the Fuchs case, dramatized by the reportage, served to co-mix the political phobias which had developed in the years following World War II. These emerged, thereafter, as objects of awe and crippling fear: (1) the fear that espionage on behalf of the Soviet Union had and would harm us; (2) the fear that native Communists, active as spies for the Soviet Union, would subvert our security; and (3) the fear of the consequences of the breach of U.S. atomic monopoly, in terms of individual and mass annihilation.

These objects became matters of widespread publicity from the time of the arrest of Fuchs to and including the arrest and trial of the petitioners. From the Fuchs case there developed a chain of atomic espionage cases in which, properly

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N.Y. Daily News, Mar. 7, 1950, p. 12 (Ex. III-C-3); *ibid.*, March 9, 1950, p. 1 (Ex. III-C-4); N.Y. Daily Mirror, Mar. 7, 1950, p. 4 (Ex. III-D-1); N.Y. Journal American, Mar. 3, 1950, (Ex. III-E-3); N.Y. World Telegram & Sun, Mar. 1, 1950, p. 2 (Ex. III-E-4); *ibid.*, Mar. 20, 1950, p. 4 (Ex. III-E-7); N.Y. Post, Mar. 1, 1950, p. 1 (Ex. III-G-1); *ibid.*, Mar. 2, 1950, p. 14 (Ex. III-C-2).

On May 24, 1950, Harry Gold, an American, was arrested on the charge of conspiring to commit espionage on behalf of the Soviet Union by transmitting to agents of that country information relating to the national defense of the United States.

This first American arrest, on a crime carrying the death penalty, produced a hysteria which became more frenzied with the reports of frantic Federal Bureau of Investigation activity to apprehend the "Russian agents" before they "fled" the country. These reports were officially inspired as was the added revelation that the authorities were guarding all ports, harbors, stations and airfields to prevent their escape. When this is counterposed against the information, easily discoverable, and subsequently introduced at the trial of the petitioners, that Anatoli A. Yakovlev (a co-conspirator of Gold and co-defendant of the petitioners) and his family had left the country after openly booking Class A passage on the S.S. America in 1946 (R. 925-6), it becomes clear that the hysteria was artificially induced. And, in every story thereafter appearing, in which the petitioners were mentioned, Yakovlev's name was introduced, to the prejudice of the petitioners, as a co-conspirator who had "fled" the country. (See also narration cited in the succeeding paragraphs.)

The official pronouncements, reported by the metropolitan press linked Gold to Fuchs. It also joined Gold with the alleged American espionage agents, Elizabeth Bentley, who testified at, and Jacob Golos, named in suspicious connection with Rosenthal, at the trial of the petitioners (R. 996-1023). N.Y. Times, May 24, 1950, p. 1 (Ex. V-A-5); ibid, May 25, 1950, p. 1 (Ex. V-A-6); N.Y. Herald Tribune, May 25, 1950, p. 1 (Ex. V-B-5); ibid, May 26, 1950, (Ex. V-B-7); ibid, May 31, 1950, (Ex. V-B-8); N.Y. Daily Mirror, May 24, 1950, p. 3 (Ex. V-D-7); ibid, May 25, pp. 1,3 (Ex. V-D-8); N.Y. Journal American, May 24, 1950, pp. 1,18,19 (Ex. V-D-1, 2, 3); N.Y. World Telegram and Sun, May 24, 1950, pp. 1,5 (Ex. V-F-4, 7); N.Y. Post, May 24, 1950, pp. 1,2 (Ex. V-C-1); ibid, May 25, 1950, pp. 1,2,3 (Ex. V-C-2).

At the same time officials and the newspapers persisted in reporting that Fuchs, in co-operation with K.G.B. agents in London, was implicating other Americans as his espionage contacts. Speculative estimates on the number of people he would have named ranged from 10 to 100. N.Y. Herald Tribune, May 26, 1950, (Ex. V-B-6); N.Y. Daily News, May 24, 1950, pp. 1, 3, 50 (Ex. V-C-3, 4, 5); ibid, May 25, 1950, pp. 2,50 (Ex. V-C-6); N.Y. Daily Mirror, May 25, 1950, pp. 1,3,53 (Ex. V-D-8); ibid, May 26, 1950, p. 6 (Ex. V-D-9); N.Y. Journal American, May 24, 1950, pp. 1,14,18,19,24 (Ex. V-D-1, 2, 3, 4); ibid, May 25, 1950, pp. 1, 15 (Ex. V-D-5, 6); N.Y. World Telegram and Sun, May 5, 1950, p. 10 (Ex. V-B-3); ibid, May 25, 1950, pp. 1,2 (Ex. V-F-8); ibid, May 29, 1950, p. 4 (Ex. V-F-10); ibid, May 31, 1950, p. 34 (Ex. V-F-11); N.Y. Post, May 24, 1950, pp. 1,2,54,55 (Ex. V-B-1).

All the proceedings in the Gold case following his arrest, as well as his testimony against other of his alleged confederates at their trial, received unusually prominent treatment in the press in this District and kept alive in the public mind through the entire period terminating with the trial of the petitioners, the misdeeds of Gold and Fuchs. As with Fuchs, reports of official "tins" that Gold was "talking" about others allegedly connected with him in Soviet espionage, served to associate future suspects with his criminal activities. This background facilitated the forging of a prejudicial nexus between Rosenberg and Gold, although Gold, when he subsequently testified at the petitioners' trial never claimed that he met or knew the Rosenbergs. (R. 708-848). N. Y. Times, June 2, 1950, p. 11 (Ex. VI-A-1); *ibid*, June 10, 1950 pp. 1, 3 (Ex. VI-A-5); *ibid*, June 13, 1950, p. 14 (Ex. VI-A-6); N.Y. Herald Tribune, June 1, 1950 pp. 1, 13 (Ex. VI-B-1); *ibid*, June 2, 1950, p. 4 (Ex. VI-B-2); *ibid*, June 10, 1950 (Ex. VI-B-4); *ibid*, June 13, 1950 (Ex. VI-B-5); N.Y. Daily News, June 1, 1950, p. 6 (Ex. VI-C-1); *ibid*, June 10, 1950, pp. 2, 6 (Ex. VI-C-2); N.Y. Journal American, June 9, 1950, p. 1 (Ex. VI-E-1); N. Y. Times, July 21, 1950, p. 8 (Ex. VII-A-7); N. Y. Herald Tribune, July 21, 1950, (Ex. VII-B-3); N.Y. Daily News, July 21, 1950, p. 4 (Ex. VII-C-4); N. Y. Daily Mirror, July 21, 1950, p. 2 (Ex. VII-D-6); N.Y. Journal American, July 20, 1950, p. 1 (Ex. VII-E-5); N. Y. Post, July 20, 1950 p. 2 (Ex. VII-G-3); N. Y. Herald Tribune, Aug. 1, 1950 (Ex. VIII-B-1); *ibid*, Aug. 3, 1950 (Ex. VIII-F-2); N. Y. Post, Aug. 16, 1950, p. 4 (Ex. VIII-G-2);

N. Y. Times, Nov. 1, 1950, pp. 1, 18 (Ex. XI-A-1); *ibid*,
 Nov. 18, 1950, p. 9 (Ex. XI-A-3); *ibid*, Nov. 21, 1950, p.
 10 (Ex. XI-A-4); *ibid*, Nov. 22, 1950, p. 5 (Ex. XI-A-5);
 N. Y. Herald Tribune, Nov. 1, 1950, (Ex. XI-B-4); *ibid*,
 Nov. 17, 1950 p. 11, (Ex. XI-B-5); *ibid*, Nov. 21, 1950, p.
 16 (Ex. XI-B-6); *ibid*, Nov. 22, 1950 (Ex. XI-B-7); N. Y.
 Daily News, Nov. 16, 1950, p. 6 (Ex. XI-C-4); *ibid*, Nov. 17,
 1950, p. 36 (Ex. XI-C-5); *ibid*, Nov. 22, 1950, p. 10 (Ex. XI-
 C-6); N. Y. Daily Mirror, Nov. 16, 1950, p. 2 (Ex. XI-D-3);
ibid, Nov. 17, 1950, pp. 2, 34 (Ex. XI-D-4); *ibid*, Nov. 18,
 1950, p. 5 (Ex. XI-D-5); *ibid*, Nov. 21, 1950, p. 6 (Ex. XI-
 D-6); N. Y. Journal American, Nov. 16, 1950, p. 4 (Ex. XI-E-6);
ibid, Nov. 17, 1950, p. 7 (Ex. XI-E-8,9); *ibid*, Nov. 20, 1950,
 p. 13 (Ex. XI-E-10); *ibid*, Nov. 21, 1950, p. 4 (Ex. XI-E-12);
ibid, Nov. 22, 1950, p. 3 (Ex. XI-E-13); N.Y. Telegram and
 Sun, Nov. 16, 1950, p. 16 (Ex. XI-F-2); *ibid*, Nov. 17, 1950,
 p. 3 (Ex. XI-F-3); N.Y. Post, Nov. 16, 1950, p. 3 (Ex. XI-G-4);
ibid, Nov. 20, 1950, p. 7 (Ex. XI-G-5); *ibid*, Nov. 21, 1950,
 p. 4 (Ex. XI-G-6); *ibid*, Nov. 22, 1950, p. 4 (Ex. XI-G-7);
 N. Y. Times, Dec. 10, 1950, pp. 1, 19 (Ex. XII-A-1); N.Y.
 Herald Tribune, Dec. 8, 1950, (Ex. XII-B-7); *ibid*, Dec. 10,
 1950, pp. 1, 42 (Ex. XII-B-8); N. Y. Daily News, Dec. 10, 1950,
 p. 2 (Ex. XII-C-); N.Y. Daily Mirror, Dec. 10, 1950, p. 4
 (Ex. XII-D-); N.Y. Journal American, Dec. 9, 1950, p. 1
 (Ex. XII-E-4); *ibid*, Dec. 10, 1950, p. 1 (Ex. XII-E-5); N. Y.
 World Telegram and Sun, Dec. 9, 1950, p. 1. (Ex. XII-F-2);
 N.Y. Post, Dec. 7, 1950, p. 5 (Ex. XII-G-1); N.Y. Times,
 March 16, 1951, pp. 1, 8 (Ex. XV-A-10); N.Y. Herald Tribune,
 Mar. 16, 1951, p. 1 (Ex. XV-B-7); N.Y. Daily News, Mar. 16,
 1951, p. 8 (Ex. XV-C-11); N.Y. Daily Mirror, Mar. 16, 1951,
 p. 12 (Ex. XV-D-8); N. Y. Journal American, Mar. 16, 1951,

p. 22 (Ex. VI-E-11); N.Y. World Telegram and Sun, Mar. 16, 1951, p. 3 (Ex. XV-F-9); N. Y. Post, Mar. 16, 1951, p. 4 (Ex. XV-G-9);

On June 15, 1950, Alfred Dean Slack, a chemist, was arrested on charges of espionage and was connected directly to Gold and Fuchs. These latter were, by now, commonly characterized as the Fuchs-Gold "Atom-Spy" ring. Although the charge against Slack was that he had illegally transferred information concerning RDX (a high explosive) to Gold, he was nevertheless united with the "Atom-Spy" ring. His arrest and subsequent plea of guilty in September, 1950 and his sentence in that month likewise were given front page attention. N.Y. Times, June 16, 1950, pp. 1, 4 (Ex. VI-A-12); N.Y. Herald Tribune, June 16, 1950, pp. 1, 11 (Ex. VI-B-6); Ibid, June 12, 1950 (Ex. VI-B-9); N. Y. Daily News, June 14, 1950, pp. 2, 48 (Ex. VI-C-3); N. Y. Daily Mirror, June 16, 1950, pp. 1, 3 (Ex. VI-D-3); N. Y. Post, June 16, 1950, pp. 1, 3 (Ex. VI-G-4,5); N.Y. Times, Sept. 19, 1950, p. 20 (Ex. IX-A-4); Ibid, Sept. 23, 1950, p. 2-E (Ex. IX-A-8).

Again, as in the instances of Fuchs and Gold, "sources close to the Justice Department" announced to the press that there would follow many more arrests. See: e.g., N.Y. Daily News, June 14, 1950, pp. 2, 48 (Ex. VI-C-3).

On June 16, 1950, immediately in the wake of Slack's arrest, David Greenglass, the main prosecution witness in the trial against these petitioners, was apprehended, arrested, and on the following day arraigned. Sensational stories occupying top space in the metropolitan newspapers accompanied his seizure and the Government's

charges against him. Greenglass was tied in by official announcement and widespread independent newspaper reporting and comment with Fuchs, Gold and Slack and was labelled as one of the members of the Fuchs-Gold "Atomic espionage" ring. The Slack indictment, however, associated him only with Gold. Each step in the prosecution against Greenglass, was accorded constant and inordinately prime treatment for many months thereafter. As with the others, predictions were made by the investigative and prosecuting authorities of the Government, together with their prominent leaders in public life, that he was "talking" and that further arrests would result as a consequence of his confessions. N.Y. Times, June 17, 1950, pp. 1, 2 (Ex. VI-A-13); ibid, June 24, 1950, p. 2 (Ex. VI-A-15); N. Y. Herald Tribune, June 17, 1950, pp. 1, 6 (Ex. VI-B-7); ibid, June 18, 1950, p. 6 (Ex. VI-B-8); ibid, June 24, 1950 (Ex. VI-B-10); N.Y. Daily News, June 17, 1950, pp. 1, 3 (Ex. VI-C-4); ibid, June 18, 1950, p. 10 (Ex. VI-C-5); N. Y. Daily Mirror, June 17, 1950, pp. 1, 3 (Ex. VI-D-4); N.Y. Journal American, June 16, 1950, p. 1 (Ex. VI-E-4,5); ibid, June 17, 1950, pp. 1,5 (Ex. VI-E-6); ibid, June 23, 1950, p. 4 (Ex. VI-E-9); N. Y. Post, June 16, 1950, pp. 1, 3 (Ex. VI-G-2); ibid, June 18, 1950, pp. 1, 3, 6 (Ex. VI-G-3); N. Y. Herald Tribune Aug. 1, 1950, (Ex. VIII-B-1); ibid, Aug. 3, 1950 (Ex. VIII-B-2); N. Y. Times, Oct. 19, 1950, p. 16 (Ex. X-A-5); N.Y. Herald Tribune, Oct. 19, 1950, pp. 1,23 (Ex. X-B-2); N.Y. Daily News, Oct. 19, 1950, p. 3 (Ex. X-C-2); N.Y. Daily Mirror, Oct. 19, 1950, p. 5 (Ex. X-D-2); N.Y. Journal American, Oct. 18, 1950, p. 1 (Ex. X-E-2); N.Y. World Telegram and Sun, Oct. 18, 1950, p. 23 (Ex. X-F-3).

On July 17, 1950, the petitioner, Julius Rosenberg, was arrested and on a later date that night before a United States District Court Judge. Following the arrest set by the preceding arrests mentioned above, he was linked with Gold, Slack and Greenglass in an "Atom-Sov" conspiracy. Again, as in the previous arrests, the officials and the press noted that more arrests would result. In relation to its coverage of the proceedings of the petitioner, Julius Rosenberg, which followed his arrest, the press meticulously recorded, either independently or as a report of official announcement, the stories and history of the Rucka proceedings, the Gold proceedings, the Slack proceedings, the Greenglass proceedings and held the petitioner, Julius Rosenberg, to be part of the Rucka-Gold-Slack-Greenglass atomic espionage conspiracy, and criminally responsible for its operations. The arrest of the petitioner, Julius Rosenberg, was widely publicized in all of the Metropolitan press and was acknowledged as most important news by columnists, feature story writers and other commentators. N. Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3); *ibid*, July 19, 1950, p. 20 (Ex. VII-A-4); *ibid*, July 20, 1950, pp. 9, 18 (Ex. VII-A-5, 6); *ibid*, July 23, 1950, pp. 28, 102 (Rev. of W.) (Ex. VII-A-8); N. Y. Herald Tribune, July 19, 1950, pp. 1, 15 (Ex. VII-B-1); *ibid*, July 19, 1950 (Ex. VII-B-2); N. Y. Daily News, July 18, 1950, pp. 1, 3, 24 (Ex. VII-C-1); *ibid*, July 19, 1950, p. 6 (Ex. VII-C-2); *ibid*, July 20, 1950, p. 49 (Ex. VII-C-3); *ibid*, July 31, 1950, p. 8 (Ex. VII-C-6); N. Y. Daily Mirror, July 18, 1950, pp. 1, 2 (Ex. VII-D-2, 3); *ibid*, July 19, 1950, p. 2 (Ex. VII-D-4); *ibid*, July 20, 1950, p. 6 (Ex. VII-D-5); N. Y. Journal American, July 18, 1950, pp. 1, 8 (Ex. VII-E-3);

ibid, July 20, 1950, p. 1 (Ex. VII-E-5); ibid, July 29, 1950, p. 1 (Ex. VII-E-8); N. Y. Post, July 18, 1950, pp. 2, 14 (Ex. VII-G-1); ibid, July 19, 1950, p. 33 (Ex. VII-G-2); N. Y. Times, Aug. 18, 1950, p. 7 (Ex. VIII-A-10); ibid, Aug. 24, 1950, p. 20 (Ex. VII-A-25); N. Y. Herald Tribune, Aug. 18, 1950 (Ex. VIII-E-7); ibid, Aug. 24, 1950, p. 10 (Ex. VIII-10); N.Y. Daily News, Aug. 18, 1950, p. 23 (Ex. VIII-C-4); ibid, Aug. 24, 1950, pp. 1, 11 (Ex. VIII-C-6); N. Y. Daily Mirror, Aug. 18, 1950, p. 5 (Ex. VIII-E-10); N. Y. Journal American, Aug. 12, 1950, p. 2 (Ex. VIII-E-6); ibid, Aug. 13, 1950, pp. 1, 4 (Ex. VIII-E-7); ibid, Aug. 17, 1950, p. 3 (Ex. VIII-E-9); ibid, Aug. 23, 1950, pp. 2, 26 (Ex. VIII-14, 15); N.Y. Post, Aug. 17, 1950, p. 4 (Ex. VII-G-3); ibid, Aug. 23, 1950, p. 56 (Ex. VIII-C-6); N. Y. Times, Sept. 23, 1950, pp. 7, 32 (Ex. IX-A-13); N.Y. Journal American, Sept. 22, 1950, p. 10 (Ex. IX-E-2); N. Y. World Telegram and Sun, Oct. 6, 1950, p. 16 (Ex. X-F-1); ibid, Oct. 1, 1950, p. 2 (Ex. X-E-2); N. Y. Times, Feb. 14, 1951, p. 12 (Ex. XIV-A-1); ibid, Mar. 1, 1951, p. 14 (Ex. VX-A-1); N. Y. Daily News, Mar. 1, 1951, p. 21 (Ex. XV-C-1).

Within two weeks after the arrest of the petitioner, Julius Rosenberg, there were arrested in this City, Abraham Brothman and Miriam Moskowitz, charged with conspiracy to obstruct justice, in that they induced Gold to testify falsely before a Grand Jury concerning his espionage activity. Despite the form of charge, these two were depicted in the press as part of the Fuchs-Gold "Atom-Spy" ring. They were linked by the United States officials and by the press to Fuchs, Gold, Slack, Bentley, and Golos and to Greenglass and the petitioner, Rosenberg, although no connection was so made at petitioners' trial.

The pattern of prediction of further arrests accompanied the press reception of the Brothman-Moskowitz arrests. N. Y. Times, July 30, 1950, p. 1 (Ex. VII-A-14); Ibid, July 31, 1950, p. 8 (Ex. VII-A-15); N. Y. Herald Tribune, July 30, 1950, pp. 1, 21 (Ex. VII-B-7); Ibid, July 31, 1950, (Ex. VII-B-8); N. Y. Daily News, July 30, 1950, pp. 1, 2, 48 (Ex. VII-C-5); Ibid, July 31, 1950 p. 8 (Ex. VII-C-6); N. Y. Daily Mirror, July 30, 1950, p. 2 (Ex. VII-D-8); Ibid, July 31, 1950, p. 2 (Ex. VII-D-9); N. Y. Journal American, July 30, 1950, p. 1 (Ex. VII-E-9); Ibid, July 31, 1950, p. 3 (Ex. VII-E-10); N. Y. Times, Aug. 1, 1950, p. 18, (Ex. VIII-A-1); Ibid, Aug. 3, 1950, p. 10 (Ex. VIII-A-2); Ibid, Aug. 9, 1950, p. 10 (Ex. VIII-A-7); N. Y. Herald Tribune, Aug. 3, 1950 (Ex. VIII-B-2); Ibid, Aug. 9, 1950, (Ex. VIII-B-3); N. Y. Daily News, Aug. 1, 1950, p. 6 (Ex. VIII-C-1); N. Y. Daily Mirror, Aug. 1, 1950, p. 4 (Ex. VIII-D-1); N. Y. Journal American, Aug. 2, 1950, p. 26 (Ex. VIII-E-1); Ibid, Aug. 3, 1950, p. 3 (Ex. VIII-E-3); Time Magazine, Aug. 7, 1950, pp. 11, 15 (Ex. VIII-F-); Newsweek, Aug. 7, 1950, p. 20 (Ex. VIII-F-);

The trial of Brothman and Moskowitz occurred in November, 1950. During this month the press was cluttered with reports of the trial, giving special emphasis to the testimony of Gold and Bentley, who were witnesses for the prosecution against these two and both of whom appeared as witnesses in the trial of the petitioners. In the accounts, the press never neglected to recall the entire chain of circumstances and arrests, beginning with Fuchs, continuing to and including all of the persons apprehended on "atom-bomb" charges prior to the trial. The trial formally for a conspiracy to obstruct justice was transformed, in part by the testimony there adduced into another trial for espionage, maintaining the appearance of Soviet spy ring. N. Y. Times, Nov. 15, 1950, p. 17 (Ex. XI-A-1); Ibid, Nov. 16, 1950, p. 1

p. 30 (Ex. XI-5-1); 1-13, Nov. 13, 1950, p. 7 (Ex. XI-5-2);
 ibid, Nov. 15, 1950, p. 5 (Ex. XI-5-3); ibid, Nov. 16, 1950,
 p. 3 (Ex. XI-5-4); 1-13, Nov. 20, 1950, p. 7 (Ex. XI-5-5);
 ibid, Nov. 21, 1950, p. 4 (Ex. XI-5-6); ibid, Nov. 22, 1950,
 p. 4 (Ex. XI-5-7); ibid, Nov. 23, 1950, p. 48 (Ex. XI-5-8);
 ibid, Nov. 28, 1950, p. 3 (Ex. XI-5-9).

In the meantime and one or about August 11, 1950,
 within two weeks after the Brothman and Moskowitz arrests,
 the petitioner, Ethel Rosenberg, was arrested, arraigned, and,
 as with her husband, the petitioner, Julius Rosenberg, was
 held in \$100,000.00 bail. The propaganda line of publicity
 ran true to form--the petitioner, Ethel Rosenberg, was
 linked not only to her husband and her brother, David
 Greenglass, who were indicted with her but also with Fuchs,
 Gold, Black, Brothman and Moskowitz, who were not. There
 was a prognostication, again, of further arrests by the
 prosecuting officials and the entire press. Her arrest
 provoked a spate of publicity. N. Y. Times, Aug. 12, 1950,
 pp. 1, 30 (Ex. VIII-A-11); N.Y. Herald Tribune, Aug. 12, 1950,
 p. 5 (Ex. VIII-B-5); N. Y. Daily News, Aug. 12, 1950, p.
 2 (Ex. VIII-C-2); ibid, Aug. 13, 1950, p. 16 (Ex. VIII-C-3);
 N.Y. Daily Mirror, Aug. 12, 1950, pp. 2, 6 (Ex. VIII-E-8);
 N.Y. Journal American, Aug. 11, 1950, p. 1 (Ex. VIII-B-5);
 ibid, Aug. 12, 1950, p. 2 (Ex. VIII-E-6); ibid, Aug. 13, 1950,
 p. 4 (Ex. VIII-E-7).

The press coverage of her case thereafter merged
 with that of her husband, the petitioner, Julius Rosenberg.
 (See documentation supra, concerning Julius Rosenberg.)

Within a week of the arrest of the petitioner,
 Ethel Rosenberg, Morton Sobell, a co-defendant, was arrested

p. 2 (Ex.VIII-G-3); Ibid, Aug. 20, 1950, p. 22 (Ex.VIII-G-5); Newsweek Aug. 28, 1950, p. 39 (Ex. VIII-H-1).

The 1950 and early 1951 period was punctuated with accusations against many persons, infer ally, although publicly, charged with espionage activities. In September, 1950, one, Oscar Vento a former business associate of Gold, was indicted for perjury, in a Grand Jury investigation concerning espionage. N.Y. Times, Sept. 29, 1950, p. 17 (Ex.XI-A-17); N.Y. Daily Mirror, Sept. 29, 1950, p. 2 (Ex.XI-B-4); N.Y. Journal American, Sept. 29, 1950, p. 1 (Ex.XI-E-5); N.Y. World Telegram and Sun, Sept. 29, 1950, p. 3 (Ex.XI-F-3). In August, one, Blum, a young engineer was indicted for theft of plutonium from Los Alamos, where he had formerly been employed. N.Y. Times, Aug. 23, 1950, p. 1 (Ex.VIII-A-23).

Blum, the General, was a part of the case in the attack on scientists by Congressional committee hearings centering on the alleged Communist political association of a group of our leading scientists at the Berkeley, California Experimental Laboratories. The situation became so wild that the press and officials, like Senator McCarthy, brought into question the loyalty of our American atomic scientist, including such outstanding contributions to the development of nuclear physics as Drs. Oppenheimer and Hatchina.

No espionage indictments were ever returned against such others as Steve Nelson, Sidney Weinberg (Scientist 2), Clarence E. Hiskay and Arthur Weiss, among others, but the climate was aggravated by constant criticism of the press against the Government because it had failed to do so. N.Y. Daily Mirror, Feb. 12, 1950 p. 20 (Ex.XI-B-1); N.Y. Journal American, Dec. 1, 1950, p. 17 (Ex.XI-C-1); Ibid, Dec. 11, 1950

p. 1 (Ex. III-B-21,24); 1946, Feb. 13, 1950, p. 1, 1 (Ex. III-B-27, 28); 1946, Feb. 13, 1950, pp. 1, 12 (Ex. III-B-29, 30); 1946 Feb. 13, 1950, p. 1, 7 (Ex. III-B-31, 32); 1946, Feb. 13, 1950, pp. 1, 5 (Ex. III-B-33, 34); 1946, Feb. 17, 1950, p. 2 (Ex. III-B-35); N.Y. Times, March 3, 1950, p. 8 (Ex. III-A-2); 1946, March 3, 1950 p. 5 (Ex. III-A-4); N.Y. Herald Tribune, March 3, 1950, p. 1 (Ex. III-B-36); 1946, March 22, 1950, p. 1 (Ex. III-B-37); 1946, March 26, 1950 p. 1 (Ex. III-B-38); N.Y. World Telegram and Sun, March 21, 1950, p. 1 (Ex. III-B-39); 1946, March 21, 1950, p. 1 (Ex. III-B-40); N.Y. Times, March 21, 1950, p. 1 (Ex. III-B-41); N.Y. World Telegram and Sun, March 21, 1950, p. 1 (Ex. III-B-42); 1946, May 10, 1950, pp. 1, 37 (Ex. III-B-43); 1946, May 12, 1950, p. 6 (Ex. III-B-44); N.Y. Times, June 1, 1950, p. 1, 3 (Ex. VI-A-13); 1946, June 24, 1950 p. 2 (Ex. VI-A-14); N.Y. World Telegram and Sun, June 5, 1950, p. 21 (Ex. VI-A-15); N.Y. Times, Aug. 23, 1950, p. 23 (Ex. VII-A-2); N.Y. World Telegram and Sun, Oct. 3, 1950, pp. 1, 1 (Ex. VII-A-3); N.Y. Journal American, Nov. 23, 1950, p. 2 (Ex. VII-A-4); N.Y. World Telegram and Sun, Nov. 21, 1950, p. 18 (Ex. VII-A-5); N.Y. Times, Nov. 21, 1950, p. 6 (Ex. VII-A-6); N.Y. World Telegram and Sun, Dec. 1, 1950, p. 11 (Ex. VII-A-7).

Throughout the entire year 1950, and including the label of the petitioners in 1951, there were repeated hearings by the officials, who in the meantime, at the request of the petitioners, had been directed by the Director of the Federal Bureau of Investigation, to make a preliminary decision on the petitioners' request for a writ of habeas corpus. The petitioners, however, have decided the matter in their own minds, and have decided to continue their fight for freedom.

...by the ... concentration on ... and ... 191 ... that was ... to ... public mind from considering Communists as an ... political minority, into a ... that their ideological adherence to Communism would lead them to a ... sabotage and espionage ... treasonable activities ... in behalf of the Soviet Union. ... on this subject are found in the statements of ... : "First the danger in ... and ... travellers lies in the fact that they represent ... ing grounds for espionage ... and ... Daily Mirror, March 3, 1950, p. 28 (Ex. III-B-1); of the representative Carl A. ... of South Dakota, that: "The reason we have the sabotage danger is that there are so many Communists in this country...they are off the hydrogen bomb secrets just as actively as they tried forward, succeeded in getting the A bomb from New..." N.Y. Daily Mirror, Feb. 12, 1950 p. 2 (Ex. II-B-17); see also United Press & World Report, Feb. 17, 1950 (Ex. II-B-1); N.Y. Times, June 9, 1950, p. 1 (Ex. VI-A-1); N.Y. Herald Tribune, June 9, 1950, p. 1 (Ex. VI-B-3); N.Y. Daily Mirror, June 9, 1950, p. 10 (Ex. VI-B-1); N.Y. Times, July 25, 1950, p. 1 (Ex. VII-A-9); ibid, July 26, 1950, p. 5 (Ex. VII-A-12); N.Y. Herald Tribune, July 25, 1950 (Ex. VII-B-4); ibid, July 26, 1950 p. 1 (Ex. VII-B-1); N.Y. Times, Aug. 25, 1950, p. 5 (Ex. VIII-A-2); ibid, Aug. 19, 1950, pp. 1, 4 (Ex. VIII-A-19); N.Y. Daily Mirror, Aug. 7, 1950, editorial page (Ex. VIII-B-5); ibid, Aug. 9, 1950, p. 2 (Ex. VIII-B-6); ibid, Aug. 10, 1950, p. 1 (Ex. VIII-B-7); N.Y. Journal American, Aug. 8, 1950, p. 16 (Ex. VIII-E-4); N.Y. Post, Oct. 13, 1950, p. 49.

(Ex. X-C-); N. Y. Herald Tribune, Nov. 29, 1950, p. 9
 (Ex. XI-B-4); N. Y. Journal American, Nov. 14, 1950, p. 27,
 (Ex. XI-E-3); *ibid*, Nov. 17, 1950, pp. 3, 7 (Ex. XI-F-7,8,
 9); N. Y. Herald Tribune, Dec. 1, 1950, p. 1 (Ex. XII-B-1);
ibid, Dec. 3, 1950, p. 1 (Ex. XII-B-2); *ibid*, Dec. 4, 1950
 p. 1 (Ex. XII-B-3); *ibid*, Dec. 5, 1950, p. 1 (Ex. XII-B-4);
ibid, Dec. 6, 1950, p. 1 (Ex. XII-B-5); *ibid*, Dec. 7, 1950,
 p. 1 (Ex. XII-B-6); *ibid*, Dec. 11, 1950, p. 1 (Ex. XII-B-9);
 N. Y. Daily Mirror, Jan. 9, 1951 (Ex. XIII-D-); N. Y. Journal
 American, Jan. 9, 1951, Editorial page (Ex. XIII-E-2);
 N. Y. World Telegram and Sun, Jan. 29, 1951, p. 13 (Ex.
 XIII-F-5); N. Y. Times Magazine Section, Nov. 6, 1950, p.
 12 (Ex. XI-E-);

The motive of Communist ideology was attributed
 to every atomic bomb espionage suspect, whether or not he
 was thereafter convicted of espionage or another crime,
 or even where no arrest, indictment or conviction followed
 the suspicion or act of draft subversion. The precedent
 was set with Fuchs (see documentation supra). When it
 came to Gold, his motivation was represented to be his
 desire to "aid a country whose aims he liked". N. Y. Times,
 May 24, 1950, pp. 1, 21 (Ex. V-A-5); *ibid*, May 24, 1950, p.
 E-1 (Rev. of Ex.) Ex. V-A-7); N. Y. Herald Tribune, May 24,
 1950, pp. 1, 15 (Ex. V-B-1); N. Y. Daily News, May 24, 1950,
 pp. 1, 3, 50 (Ex. V-C-3,4,5); *ibid*, May 24, 1950, pp. 2, 50
 (Ex. V-C-6); N. Y. Daily Mirror, May 24, 1950, pp. 1, 3, 30
 (Ex. V-D-1); N. Y. Journal American, May 24, 1950, pp. 1,
 14, 16, 19, 24 (Ex. V-E-1,2,3); *ibid*, May 25, 1950, pp. 1, 15
 (Ex. V-E-6); N. Y. World Telegram and Sun, May 24, 1950, p. 1
 (Ex. V-F-6); *ibid*, May 25, 1950, p. 1 (Ex. V-F-8); N. Y.
 Post, May 24, 1950, pp. 1, 54, 55 (Ex. V-G-1); *ibid*, May 25,
 1950, p. 2 (Ex. V-G-2); N. Y. Journal American, May 21, 1950

p. 4 (Ex. XI-E-12); N.Y. Times Dec. 10, 1950, pp. 1, 19 (Ex. XII-A-1); N.Y. Herald Tribune, Dec. 10, 1950, p. 1, (Ex. XII-B-5); N.Y. Daily News, Dec. 10, 1950, p. 2 (Ex. XII-C-1); N.Y. Daily Mirror, Dec. 10, 1950, p. 1 (Ex. XII-D-1); N.Y. Journal American, Dec. 10, 1950, p. 1 (Ex. XII-E-5); N.Y. World Telegram and Sun, Dec. 9, 1950, p. 1 (Ex. XII-F-1); N.Y. Post, Dec. 7, 1950, p. 5 (Ex. XII-G-1);

Greenleaf's arrest was greeted by the announcement of the FBI and the U. S. Attorney for this District that he had been a member of the Young Communist League, and that he explained his actions by saying: "I felt it was gross negligence on the part of the United States not to give Russia the information about the atom-bomb because she was an ally." It is interesting that his trial testimony did not include this remark. N.Y. Times, June 18, 1950, p. 1 (Ex. VI-A-13); N.Y. Herald Tribune, June 17, 1950, pp. 1, 6 (Ex. VI-B-7); N.Y. Daily News, June 17, 1950, pp. 1, 3 (Ex. VI-C-1); N.Y. Daily Mirror, June 17, 1950, p. 1 (Ex. VI-D-4); N.Y. Journal American, June 17, 1950, p. 1 (Ex. VI-E-4, 5); N.Y. Post, June 16, 1950, p. 1 (Ex. VI-F-3);

the newspapers reprinted this same paragraph from the Greenleaf proceedings. N.Y. Times, June 21, 1950, p. 2 (Ex. VI-A-15); N.Y. Daily Mirror, June 21, 1950, p. 10 (Ex. VI-B-1); ibid, July 13, 1950, p. 17 (Ex. VI-C-1); ibid, Oct. 19, 1950, p. 5 (Ex. VI-D-2); N.Y. Journal American, June 23, 1950, p. 4 (Ex. VI-E-9);

and of the high light of the Greenleaf case. With reference to the testimony of Bentley, it was noted that an affidavit was obtained that Bentley and Moskowitz were members of the Communist Party and were introduced to Bentley by Bentley in the activities of that organization. N.Y. Times, Nov. 15, 1950, p. 17 (Ex. XI-A-1); ibid, Nov. 22, 1950, p. 5 (Ex. XI-A-5); N.Y. Daily Mirror, Nov. 15, 1950, p. 1 (Ex. XI-B-3); N.Y. Journal American, Nov. 15, 1950, p. 1

the Soviet Union's position in the world of the future. It is the Soviet Union's position in the world of the future. It is the Soviet Union's position in the world of the future.

In its issue of Jan. 8, 1950, p. 1, the N.Y. Journal American, carried:

"The Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States."

The article states that the Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States.

Very Newspaper carried a similar article in the N.Y. Daily Mirror of Jan. 2, 1950, p. 2 (A-11-5-7) which was captioned:

"The Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States."

To sound the panic, the Soviet American position was abandoned, and a reverse position advanced: that the Soviet Union had now achieved superiority in atomic development and stock pile. It was a selling of the propaganda to watch the population of the metropolitan area was subjected.

"THE RUSS ARE NOW IN A POSITION TO LAUNCH A NUCLEAR ATTACK ON THE UNITED STATES. IT IS THE ONLY POWER IN THE WORLD WHICH HAS THE CAPABILITY OF LAUNCHING A NUCLEAR ATTACK ON THE UNITED STATES. IT IS THE ONLY POWER IN THE WORLD WHICH HAS THE CAPABILITY OF LAUNCHING A NUCLEAR ATTACK ON THE UNITED STATES."

"WHILE PLAY WITH RADIO AT SKILL,
PRISON WARNS", N.Y. Daily Mirror,
Aug. 7, 1950, editorial page (Ex.
VIII-D-5);

"PRISON WARNS: 3 R-10'S AND
S. T. PRISON WARNS", N.Y.
World Telegram and Sun, Feb. 6, 1950,
p. 11 (Ex. II-E-4);

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Journal American,
Sept. 24, 1950, p. 10 (Ex. IX-E-3);

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Journal American, June
14, 1950, p. 1 (Ex. VI-E-2).

There was coupled the warning that there was
no true defense to an atom bomb attack, e.g.:

"NO MORE DEFENSE TO ATOM", N.Y. Times
Feb. 10, 1950, p. 1 (Ex. II-A-10, 11);

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Journal American, Feb. 12, 1950, pp. 1, 17
(Ex. II-E-20, 26).

Gruesome and lurid stories and pictures were
presented to dramatize the destructive and devastating
effects of an atomic bombing. The population of this city
was treated to the following stories:

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Times, Sept. 11, 1950, pp. 1, 16
(Ex. IX-A-2, 3);

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Times, Oct. 15, 1950, p. 32 (Ex. X-A-1);

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Daily News, Feb. 2, 1950,
p. 9

"PRISON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-1)", N.Y. Daily Mirror, Feb. 12, 1950, p. 2
(Ex. II-E-17);

Within 10 seconds after it is dropped on N.Y. or any other city an atom bomb would kill almost every living thing within a half-mile radius of the blast and spread horrible destruction for miles around. (New York Daily Mirror, Aug. 19, 1950, p. 4 (Ex. VIII-D-7)).

"A. R. H. ... DEATH BY ATOM BOMB", N.Y. Journal American, Feb. 5, 1950, p. 15 (Ex. II-A-8).

"If the hydrogen bomb is developed to its maximum efficiency, there will be no place to hide." N.Y. Journal American, Feb. 8, 1950, p. 1 (Ex. II-A-12).

"At 3,000 feet ... ATOM BOMB", N.Y. Journal American, Feb. 8, 1950, p. 1 (Ex. II-A-13).

"A. R. H. ... ATOM BOMB", N.Y. Journal American, March 1, 1950, p. 4 (Ex. II-A-14).

"A bomb will have to run in a bomb start detonating. A big black cloud full of radioactive particles will set you even if you happen to be browsing on the bottom of an abandoned mine", (New York Journal American, March 6, 1950, p. 4).

Not only were the horrors of death and injury from blast, radiation, and fire depicted, but the people were told, as well, that even their unborn offspring might be irreparably affected. There were also such a horrifying spectacle displayed for public consumption; the exhibits themselves offer the most eloquent testimony of the terrible impact that was produced upon the public mind. To impress the public with the gravity and danger of the situation I advised that the exhibits be placed in the center of the city, and the public was urged to mobilize for immediate action. There were strikes in the homes of every parent by the school children to their parents and air-raid drills in the schools. And children were designated in the city's plan as "evident" and "jointed" to convert their cellars into bomb shelters, and searchers took posts on the roofs as part of a network of enemy aircraft detection.

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1951, Jan. 4, 1951, p. 7 (Ex. XIII-A); Ibid, Jan. 5, 1951, p. 9
(Ex. XIII-A-); Ibid, Jan. 6, 1951, p. 7 (Ex. XIII-A);
Ibid, Jan. 7, 1951, pp. 15, 32 (Ex. XIII-A); Ibid, Jan. 8, 1951,
pp. 8, 10 (Ex. XIII-A); Ibid, Jan. 11, 1951 (p. 7 (Ex. XIII-A-);
Ibid, Jan. 12, 1951, p. 1 (Ex. XIII-A-); Ibid, Jan. 13, 1951, p. 7 (Ex. XIII-A-); Ibid, Jan. 14, 1951, p. 1, 31
(Ex. XIII-A); Ibid, Jan. 15, 1951, p. 5 (Ex. XIII-A-); Ibid,
Jan. 16, 1951, p. 22 (Ex. XIII-A-); Ibid, Jan. 17, 1951,
p. 11 (Ex. XIII-A-); Ibid, Jan. 18, 1951, pp. 20, 21 (Ex.
XIII-A-); Ibid, Jan. 20, 1951, p. 3 (Ex. XIII-A-); Ibid,
Jan. 21, 1951, pp. 14, 33, 34 (Ex. XIII-A); Ibid, Jan. 22, 1951,
p. 1 (Ex. XIII-A-); Ibid, Jan. 26, 1951, pp. 11, 12 (Ex.
XIII-A); Ibid, Jan. 28, 1951, pp. 1, 17 (Ex. XIII-A); Ibid,
Jan. 29, 1951 (Ex. XIII-A); Ibid, Jan. 30, 1951, p. 17 (Ex. XIII-A-);
Ibid, Feb. 3, 1951, p. 1 (Ex. XIV-A); Ibid, Feb. 2,
1951 (p. 1 (Ex. XIV-A); Ibid, Feb. 5, 1951, p. 3 (Ex. XIV-A-);
Ibid, Feb. 6, 1951, p. 3 (Ex. XIV-A); Ibid, Feb. 7, 1951, p. 1
(Ex. XIV-A-); Ibid, Feb. 9, 1951, p. 7 (Ex. XIV-A); Ibid,
Feb. 10, 1951, p. 1 (Ex. XIV-A-); Ibid, Feb. 11, 1951, p. 1
(Ex. XIV-A); Ibid, Feb. 12, 1951, p. 9 (Ex. XIV-A); Ibid,
Feb. 14, 1951, p. 7 (Ex. XIV-A); Ibid, Feb. 15, 1951, p. 13
(Ex. XIV-A); Ibid, Feb. 20, 1951, p. 1 (Ex. XIV-A); Ibid,
Feb. 22, 1951 p. 5 (Ex. XIV-A); Ibid, Feb. 23, 1951, p. 1
(Ex. XIV-A-); Ibid, Feb. 24, 1951, p. 5 (Ex. XIV-A); Ibid,
Feb. 25, 1951, pp. 3, 37 (Ex. XIV-A); Ibid, Mar. 3, 1951, p.
5 (Ex. XV-A-); Ibid, Mar. 4, 1951, p. 30 (Ex. XV-A); Ibid,
Mar. 5, 1951 p. 1 (Ex. XV-A); Ibid, Mar. 6, 1951, p. 11 (Ex.
XV-A-); Ibid, Mar. 10, 1951, pp. 1, 5 (Ex. XV-A-); Ibid,
Mar. 12, 1951, p. 1, 15 (Ex. XV-A-); Ibid, Mar. 15, 1951, p. 1,
(Ex. XV-A-); Ibid, Mar. 18, 1951, p. 13 (Ex. XV-A); Ibid,
Mar. 19, 1951, p. 13 (Ex. XV-A); Ibid, Mar. 21, 1951, p. 14
(Ex. XV-A-); Ibid, Mar. 24, 1951, p. 24 (Ex. XV-A); Ibid,

Mar. 28, 1951, p. 18 (Ex. XV-A-16); N.Y. Herald Tribune,
 Feb. 5, 1950, pp. 1, 21, 22 (Ex. II-B-21); *ibid.*, Feb. 10, 1950,
 p. 1 (Ex. II-B-6); *ibid.*, Feb. 10, 1950, p. 1 (Ex. II-B-7);
ibid., Feb. 11, 1950, pp. 1, 4, 5 (Ex. II-B-8, 9); *ibid.*, Feb. 12,
 1950, sec. 2 pp. 1, 3 (Ex. II-B-10); *ibid.*, Feb. 13, 1950, p. 1
 (Ex. II-B-11); *ibid.*, Feb. 22, 1951, p. 6 (Ex. XIV-A-1); *ibid.*,
 Feb. 2, 1951, p. 2 (Ex. XIV-B-2); *ibid.*, Mar. 12, 1951,
 (Ex. XV-B-9); *ibid.*, Mar. 14, 1951, p. 1 (Ex. XV-B-13); *ibid.*,
 Mar. 13, 1950, sec. 2, p. 3 (Ex. VIII-A-1); N.Y. Journal
 American, Feb. 4, 1950, p. 2 (Ex. II-B-1); *ibid.*, Feb. 7, 1950,
 p. 15, (Ex. II-B-2); *ibid.*, Feb. 8, 1950, p. 1 (Ex. II-B-3);
ibid., Feb. 17, 1950, p. 9 (Ex. II-B-35); *ibid.*, Feb. 20,
 1950, p. 6, 16 (Ex. II-B-4, 41); *ibid.*, Feb. 20, 1950, pp.
 4, 16, (Ex. II-B-4, 41); *ibid.*, Feb. 27, 1950, pp. 1, 7 (Ex.
 II-B-43, 44); *ibid.*, Feb. 28, 1950, pp. 1, 7 (Ex. II-B-45, 46);
ibid., Feb. 12, 1950, p. 1 (Ex. II-B-47); *ibid.*, Feb. 12, 1950,
 p. 1 (Ex. II-B-48); *ibid.*, Mar. 1, 1950, p. 1 (Ex. III-B-1, 2);
ibid., Mar. 3, 1950, p. 12 (Ex. III-B-4); *ibid.*, Mar. 5, 1950,
 p. 1 (Ex. III-B-5); *ibid.*, June 14, 1950, p. 1 (Ex. VII-B-3);
ibid., Sept. 10, 1950, p. 1 (Ex. IX-B-1); *ibid.*, Sept. 20,
 1950, p. 10 (Ex. IX-B-3); *ibid.*, Sept. 25, 1950, p. 6
 (Ex. IX-B-4); *ibid.*, Nov. 30, 1950, p. 1 (Ex. XI-B-17, 18);
ibid., Dec. 6, 1950, p. 34 (Ex. XII-B-3); *ibid.*, Jan. 6,
 1951, p. B (Ex. XIII-B-1); *ibid.*, Jan. 9, 1951, p. 10
 (Ex. XIII-B-2); N. Y. Daily News, Feb. 5, 1950, p. 2, 4,
 28, (Ex. IX-C-2, 3); *ibid.*, Feb. 7, 1950, p. 2, 4 (Ex. IX-
 C-4); *ibid.*, Feb. 27, 1950, p. 25 (Ex. IX-C-9); *ibid.*,
 Sept. 1, 1950, p. 2, 3, (Ex. IX-C-1); *ibid.*, Sept. 11,
 1950, p. 2, 28 (Ex. IX-C-2); *ibid.*, Sept. 23, 1950, p. 4
 (Ex. IX-C-3); N. Y. Daily Mirror, Feb. 12, 1950, p. 1
 (Ex. IX-C-1); *ibid.*, Feb. 2, 1950, p. 1 (Ex. IX-C-2); *ibid.*,
 Feb. 5, 1950, p. 3, (Ex. IX-C-5, 6); *ibid.*, Feb. 12, 1950,
 p. 2, 3, 26, (Ex. IX-C-17, 18, 19); *ibid.*, Feb. 13, 1950,

editorial page (Ex. II-D-20); *ibid.*, Aug. 25, 1950, p. 2 (Ex. VII-F-); *ibid.*, Aug. 4, 1950, p. 5 (Ex. VIII-D-); *ibid.*, Aug. 7, 1950, p. 2 (Ex. VIII-D-5); *ibid.*, Aug. 7, 1950, editorial page (Ex. VIII-D-); *ibid.*, Aug. 10, 1950, p. 1 (Ex. VIII-D-7); *ibid.*, Aug. 13, 1950, p. 2, 6 (Ex. VIII-D-9); *ibid.*, Sept. 19, 1950, p. 3, (Ex. IX-D-3); *ibid.*, Oct. 13, 1950, editorial page (Ex. X-D-1); *ibid.*, Dec. 28, 1950, p. 22 (Ex. XII-D-); N.Y. World Telegram and Sun, Feb. 6, 1950, p. 1, 11 (Ex. II-F-3,4); *ibid.*, Feb. 9, 1950, p. 1, 9, 16 (Ex. II-F-8, 9, 10); *ibid.* Feb. 11, 1950, p. 8 (Ex. II-F-11); *ibid.*, Mar. 4, 1950, p. 2, 15, (Ex. III-F-3, 4); *ibid.*, Jan. 4, 1951, p. 8 (Ex. XIII-F-1); *ibid.*, Jan. 8, 1951, p. 6 (Ex. XIII-F-3); *ibid.*, Mar. 22, 1951, p. 3 (Ex. XV-F-12); *ibid.*, Mar. 4, 1950, p. 11, (Ex. III-F-5); *ibid.*, Mar. 11, 1950, p. 17 (Ex. III-F-6); N. Y. Post Feb. 3, 1950, p. 1 (Ex. II-G-2); *ibid.*, Feb. 5, 1950, p. 1 (Ex. II-G-3); *ibid.*, Feb. 6, 1950, p. 4, 25 (Ex. II-G-4); *ibid.*, Feb. 7, 1950 pp. 27, 28 (Ex. II-G-6); *ibid.*, Feb. 8, 1950, p. 29 (Ex. II-G-7); *ibid.*, Feb. 10, 1950, p. 1 (Ex. II-G-9); *ibid.*, Feb. 16, 1950, p. 5 (Ex. II-G-14); *ibid.*, Feb. 27, 1950, p. 3 (Ex. II-G-16); *ibid.*, Mar. 1, 1950, p. 11 (Ex. III-G-1).

Exhibit I indicates the constant volume of publicity, given totally approximately 30,000 column inches of news space, by the metropolitan press, uninterruptedly for a fourteen month period from February, 1950 to the end of March, 1951, to the volatile subjects which bore upon the case of the petitioners--espionage on behalf of the Soviet Union, the expectation that native Communists would act as spies for the Soviet Union, and the effect of the

breach of the United States atomic monopoly. The quality of the press treatment of these subjects can best be characterized as "front page news", larger headlines, embellished pictorially, and can most effectively be comprehended by an examination of all the exhibits on stand under Exhibits II to XV. The coverage of radio and television, not specifically documented here, aided tremendously to this development of the picture.

The cumulative effect of this reportage, quantitatively and qualitatively, together with the independent coverage of the charges against, and trial of, the petitioners (shown below) inexorably preconditioned the public mind to acceptance of the guilt of the petitioners.

THE DISNEY CASE

FIFTEENTH: The petitioners were charged with and tried for being members of a conspiracy to transmit atomic bomb information to the Soviet Union, with intent to advantage that nation. At the trial the prosecution introduced evidence, accepted by the Court, that the petitioners were members of the Communist Party of the United States and preferred "Russian Socialism" over "American Capitalism," as relevant on the question of motive and intent (R. 1558, 1494-55).

It is evident, therefore, that the three lines of propaganda which had preceded the petitioners' case for a period of fourteen months touched upon the essential elements of the accusation which the jury was called upon to determine.

In addition to this propaganda, further credence was lent to the Government charges against the petitioners by the fact that previous to the petitioners'

trial, those whom the Government heralded, indiscriminately, as their confederates -- Fuchs, Gold, Greenglass and Slack -- confessed their guilt. Brothman and Moskowitz, similarly named, had already been convicted at a trial which had featured their alleged espionage connection with Gold and Bentley.

The Government-forced nexus between the petitioners and these others also served to foist upon the petitioners the heinousness assigned to the crimes of these confessed and convicted. The world had already been told by Fuchs' sentencing Judge that his crime "is only thinly differentiated from high treason." N.Y. Times, March 2, 1950, p. 1 (Ex. III-A-1). Gold had confessed his "deep and horrible remorse." N.Y. Journal American, December 9, 1950, p. 1 (Ex. XII-B-4). And District Judge Irving Kaufman's widely reported remarks on the sentence of Brothman and Moskowitz, termed their alleged crime "beyond . . . comprehension that anyone would commit." N.Y. Times, November 20, 1950, p. 25 (Ex. XI-A-7).

The gravity of the crimes of those prior accused, which thus necessarily adhered to the petitioners, was qualitatively heightened by constant references to them as "traitors" and the continuous iteration, as to the Americans, that their crimes subjected them to the death penalty. e.g.: N.Y. Daily News, October 19, 1950, p. 3 (Ex. X-C-2); N.Y. Daily Mirror, May 25, 1950, p. 1, 3 (Ex. V-D-8); *ibid*, July 21, 1950, p. 2 (Ex. VII-D-6); *ibid*, October 19, 1950, p. 5 (Ex. X-D-2); N.Y. Journal American, June 9, 1950, p. 1 (Ex. VI-E-1); *ibid*, July 20, 1950, p. 1 (Ex. VII-D-5); N.Y. Times, June 17, 1950, p. 1 (Ex. VI-A-13); *ibid*, July 21, 1950, p. 6 (Ex. VII-A-7); N.Y. Daily News, June 17, 1950, p. 1 (Ex. VI-C-4); N.Y. Journal

American, October 18, 1950, p. 1 (Ex. X-E-2); *ibid*, March 7, 1951, p. 6 (Ex. XV-E-2); N.Y. World Telegram and Sun, October 18, 1950, p. 43 (Ex. X-F-3); N. Y. Post, August 17, 1950, p. 4 (Ex. VIII-C-3); *ibid*, August 20, 1950, p. 23 (Ex. VIII-C-5); *ibid*, August 23, 1950, p. 56 (Ex. VIII-C-6); *ibid*, November 24, 1950, p. 48 (Ex. XI-E-8); N.Y. Herald Tribune, June 24, 1950 (Ex. I-E-13); N.Y. Daily News, June 17, 1950, p. 1 (Ex. VI-C-4); *ibid*, July 19, 1950, p. 6 (Ex. VII-C-2); N.Y. Journal American, June 21, 1950, p. 31 (Ex. VI-E-8); *ibid*, June 23, 1950, p. 4 (Ex. VI-E-9); *ibid*, December 10, 1950, p. 1 (Ex. XII-E-3); N.Y. Post, December 7, 1950, p. 5 (Ex. XII-C-1).

Fuchs, Gold and Greenglass had also acknowledged either their Communist or former Communist affiliations or sympathy for the plight or objectives of the peoples of the Soviet Union. Brothman and Moskowitz, who neither "confessed," nor testified at their trial, were nevertheless subjected to pretrial charges of their Communist affiliations, and these were made matters of proof by the prosecution through the witness Bentley.

N.Y. Times, February 11, 1950, p. 1 (Ex. II-A-12); *ibid*, February 19, 1950, p. 2-7 (Rev. of Wk) (Ex. II-A-14); N.Y. Daily News, February 20, 1950, p. 27 (editorial) (Ex. II-C-3); N.Y. Daily Mirror, February 8, 1950 (editorial) (Ex. II-D-12); *ibid*, February 11, 1950, p. 3 (Ex. II-C-16); N.Y. Journal American, February 10, 1950, p. 1 (Ex. II-E-16, 17); *ibid*, February 17, 1950, p. 9 (Ex. II-E-35); N. Y. Post, February 13, 1950, p. 22 (Ex. II-C-11); Time Magazine, February 20, 1950, pp. 22-23, (Ex. II-H-); N.Y. Times, March 2, 1950, pp. 1, 14 (Ex. III-A-1); N.Y. Herald Tribune, March 2, 1950, pp. 1, 12 (Ex. I-I-E-2); N.Y. Daily News, March 3, 1950, p. 14 (Ex. III-C-4); N.Y. World Telegram and Sun, March 1, 1950, pp. 1, 2 (Ex. III-F-1,2); N.Y. Post, March 1, 1950, pp. 1,

3, 44 (Ex. III-C-1); N.Y. Herald Tribune, May 5, 1950
 (Ex. V-B-1); N.Y. Post, May 25, 1950, p. 1 (Ex. V-C-2);
 N.Y. Herald Tribune, June 1, 1950, pp. 1, 13, 14 (Ex. VI-B-
 1); N.Y. Times, July 21, 1950, p. 8 (Ex. VIII-A-7); N.Y.
 Herald Tribune, July 21, 1950 (Ex. VII-B-3); N.Y. Daily
 News, July 21, 1950, p. 4 (Ex. VII-C-4); N.Y. Daily Mirror,
 July 21, 1950, p. 2 (Ex. VII-B-6); N.Y. Journal American,
 July 20, 1950, p. 1 (Ex. VII-E-5); N.Y. Post, July 20, 1950,
 p. 2 (Ex. VII-C-3); N.Y. Times, November 19, 1950, p. 16
 (Ex. X-A-5); N.Y. Daily News, November 19, 1950, p. 3 (Ex.
 X-C-2); N.Y. Daily Mirror, November 19, 1950, p. 5 (Ex.
 X-D-2); N.Y. Journal American, November 18, 1950, p. 1
 (Ex. X-E-2); N.Y. World Telegram and Sun, November 18, 1950,
 p. 43 (Ex. X-F-3); N.Y. Times, December 10, 1950, pp. 1, 19
 (Ex. XII-A-1); N.Y. Herald Tribune, December 10, 1950, p. 1
 (Ex. XII-B-8); N.Y. Daily News, December 10, 1950, p. 2
 (Ex. XII-C-); N.Y. Daily Mirror, December 10, 1950, p. 4
 (Ex. XII-D-); N.Y. Journal American, December 9, 1950,
 p. 1 (Ex. XII-E-4); *ibid*, December 10, 1950, p. 1 (Ex. XII-
 E-5); N.Y. World Telegram and Sun, December 9, 1950, p. 1
 (Ex. XII-F-2); N.Y. Post, December 7, 1950, p. 5 (Ex. XII-
 G-1); N.Y. Journal American, January 15, 1951, p. 2
 (Ex. XIII-E-3); N.Y. Times, November 23, 1950, p. 1 (Ex.
 XI-A-6); *ibid*, November 29, 1950, p. 25 (Ex. XI-A-7); N.Y.
 Herald Tribune, November 23, 1950, p. 1 (Ex. XI-B-8); *ibid*,
 November 29, 1950, p. 1 (Ex. XI-B-9); N.Y. Daily News,
 November 23, 1950, p. 2 (Ex. XI-C-7); *ibid*, November 29,
 1950, p. 8 (Ex. XI-C-8); N.Y. Daily Mirror, November 23,
 1950, p. 2 (Ex. XI-D-8); *ibid*, November 29, 1950, p. 4
 (Ex. XI-D-9); N.Y. Journal American, November 22, 1950, p.
 3 (Ex. XI-E-13); *ibid*, November 28, 1950, p. 1 (Ex. XI-E-
 14-16); N.Y. World Telegram and Sun, November 28, 1950,

p. 22 (Ex. XI-F-5); N.Y. Post, November 22, 1950, p. 4 (Ex. XI-G-7); *ibid*, November 24, 1950, p. 48 (Ex. XI-G-8); *ibid*, November 28, 1950, p. 3 (Ex. XI-G-3).

The press campaign as it was specifically applied to the petitioners was inspired, almost entirely, by the prosecuting arm of the Government, by material "fed to" the newspapers.

Long before the petitioners were brought to trial in the early part of March, 1951 and commencing with their respective arrests, the Government had already tried their case in the newspapers, through the issuance of ex parte announcements on each of the essential issues which later arose in the trial. The initial blow was a joint announcement by Hoover and J. Howard McGrath, then Attorney General. The subsequent releases emanated from Saypol and his assistants.

These announcements transcended the actual charges contained in the indictment, egregiously magnified the seriousness of the alleged crime and conveyed the official conviction of the petitioners' guilt of the crime charged. To give merely two instances:--Though the indictment did not charge the petitioners with "intent to injure" the United States, the prosecutive and investigative agents of the Government made this public pre-trial accusation; though neither Dr. Klaus Fuchs nor Alfred Dean Slack nor Brothman and Moskowitz were named as defendants or co-conspirators in the indictment against the petitioners (and it cannot be contended that these were the "other unknown" co-conspirators, as stated in the indictment), these officials made this accusation as part of their pre-trial public presentation.

On the date of the arrest of the petitioner, Julius Rosenberg, the Hoover statement, published in every metropolitan newspaper, said that Julius Rosenberg was

"another important link in the Soviet espionage apparatus that includes Dr. Klaus Fuchs...Harry Gold...Alfred Dean Slack...and David Greenglass..." N.Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3). See also: N.Y. Herald Tribune, July 18, 1950, p. 1 (Ex. VII-B-1); *ibid*, July 19, 1950 (Ex. VII-B-2); N.Y. Daily News, July 18, 1950, p. 1 (Ex. VII-C-1); N.Y. Daily Mirror, July 18, 1950, pp. 1, 2 (Ex. VII-D-2-4); N.Y. Journal American, July 18, 1950, p. 1 (Ex. VII-E-3); N.Y. Post, July 18, 1950, p. 2 (Ex. VII-G-1). The N.Y. Daily News for July 18, 1950 stated that "Hoover's announcement of the Rosenbergs' arrest declared that the suspect was part of the ring that included Fuchs, British nuclear physicist and three other Americans, Gold, David Greenglass...and Alfred Dean Slack."

His statement was also quoted by the N.Y. Times of July 18, 1950 to the effect: "that the gravity of Rosenberg's offense was accentuated by the fact that he--an American born citizen aggressively sought means to secretly conspire with the Soviet Government to the detriment of his own country."

As reported by the N.Y. Times, among other newspapers, on July 20, 1950, p. 18 (Ex. VII-A-6) "authoritative sources" were quoted as saying that "Rosenberg had contacts with other persons besides his brother-in-law, David Greenglass." Saypol, then a few days later, stated: "Rosenberg is involved in a situation which has intensive ramifications." N.Y. Daily Mirror, August 1, 1950, p. 4 (Ex. VIII-D-1).

On and after the arrest of the co-defendant, Morton Sobell, statements again were attributed to Saypol, and never denied by him, that Sobell was a "close personal friend of Julius Rosenberg;" that Rosenberg "recruited

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Sobell as a member of the ring," and "told Sobell to leave the country." No such evidence was ever produced at the trial. Indeed, it is undisputed that Rosenberg was already in custody before Sobell allegedly fled the country. N.Y. Times, August 19, 1950, p. 1 (Ex. VIII-A-19); *Ibid*, August 24, 1950, p. 20 (Ex. VIII-A-25); N.Y. Herald Tribune, August 20, 1950, p. 16 (Ex. VIII-B-9); N.Y. Post, August 18, 1950, p. 2 (Ex. VIII-C-4).

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Above all, by means of revealing, in detail, all of the prosecution evidence to be presented in Court, the officials of the United States Government, responsible for the prosecution of the case against the petitioners, induced the public to accept their estimate of the guilt of the petitioners. The trial itself became a mere formality, to give judicial confirmation to evidence already imbedded in the memory of the jury.

On the day of the arrest of the petitioner, Julius Rosenberg, Mr. Hoover's announcement stated that their investigation revealed, according to the N.Y. Times of July 18, 1950, pp. 1, 8 (Ex. VII-A-3):

"Mr. Hoover related that Rosenberg recruited Greenglass to make secret technical information available both to Gold and Rosenberg in 1945."

"Mr. Hoover said that Rosenberg gave Greenglass specific information on the type of atomic data the Russians desired."

"According to Mr. Hoover, Rosenberg early in 1945 gave, Greenglass, while the latter was on furlough in New York, one half of an irregularly cut Jello box top. The other half of the top was given by Rosenberg to Harry Gold in Albuquerque, N.M. This was done so Gold could identify himself to Greenglass."

"When Gold and Greenglass met in June of 1945 Greenglass was paid \$500 by Gold, who got it from his Soviet superior, Anatoli A. Yakovlev, vice consul of the Soviet Consulate in New York."

"Greenglass, Mr. Hoover said, turned over to Gold secret information he had secured from the atomic bomb project at Los Alamos, where Greenglass was stationed as a soldier.

"After Dr. Fuchs and Gold were arrested in February and May, respectively, Greenglass was warned by Rosenberg to leave the country. The F.B.I. said that he instructed Greenglass to obtain a passport to Mexico. He was then told to make his way to Switzerland and report to the Czechoslovakian embassy there.

"However, Greenglass was arrested shortly after he got these instructions from Rosenberg."

Similar accounts of the Hoover statement were reported in all other newspapers for that date cited in the paragraphs immediately prior to this one.

In statements issued to the press at or after the various proceedings which followed the arrest of the petitioner, Julius Rosenberg, and the subsequent arrest of the petitioner, Ethel Rosenberg, further revelations of evidence were made by the prosecuting attorney, Saypol. On the proceedings for pleading to the indictment against the petitioners, Saypol was quoted as having given the following information:

"Mr. Saypol said that the Rosenbergs were active in recruiting espionage agents for the Soviet Government. He added that after Gold's arrest, Rosenberg tried to persuade the Greenglasses to flee to Russia. The Rosenbergs were preparing to leave themselves when Rosenberg was arrested."

He added:

"The conspiracy in the main centered around a plot to obtain secretive and classified data and information concerning the atom bomb project at Los Alamos...the objective was to turn over to the agents of the Russian Government the information obtained."

N. Y. Times, August 18, 1950, p. 7 (Ex. VIII-A-18); N.Y. Herald Tribune, August 18, 1950, (Ex. VIII-B-7); N.Y. Daily News, August 18, 1950, p. 23 (Ex. VIII-C-4);

N.Y. Daily Mirror, August 16, 1950, p. 2 (Ex. VIII-D-10);
N.Y. Journal American, August 17, 1950, p. 3 (Ex. VIII-E-9).

On the arrest of the co-defendant, Morton Sobell Saypol announced in New York "that Sobell had many dealings with Rosenberg in the conspiracy to supply Russia with atomic secrets." N.Y. Times, August 18, 1950, p. 1 (Ex. III-A-19); N.Y. Herald Tribune, August 19, 1950, p. 1 (Ex. III-B-8); Ibid, August 20, 1950, p. 16 (Ex. VIII-B-9); N.Y. Daily News, August 19, 1950, p. 2 (Ex. VIII-C-5); N.Y. Daily Mirror, August 19, 1950, p. 2 (Ex. VIII-D-11); N.Y. Journal American, August 19, 1950, p. 1 (Ex. VIII-E-12); N.Y. Post, August 18, 1950, p. 2 (Ex. VIII-G-4); Ibid, August 20, 1950, p. 23 (Ex. VIII-G-5).

Likewise, the authorities infected the public attitude by their pre-trial characterizations of the petitioners as Communists and their motivation and intent to be grounded on ideological considerations. Hoover's public statement was carried in the metropolitan press in the following way:

"The FBI investigation revealed, Mr. Hoover said, that Rosenberg made himself available to Soviet espionage agents so he could do the work he was slated for and so he might do something to help Russia." N.Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3).

"...The FBI disclosed that its agents had been trailing Rosenberg for several years. According to the FBI he had worked as an engineering inspector for the Army Signal Corps during the war but was dismissed in 1945 on suspicion that he was a Communist Party member...The FBI began to watch him. It became especially suspicious of him when he broke all open connections with the Communist Party in 1948 even cancelling his subscription to the Daily Worker." Ibid, July 23, 1950 (Rev. of Wk.) p. 2E (Ex. VII-A-8).

"The FBI announcement said he (Rosenberg) was removed as associate engineering inspector by the Secretary of War in Feb. 1945 on the recommendation of his Commanding Officer on the basis of information indicating Communist Party membership'. . .The FBI Director added that the inquiry to date indicated that Rosenberg made himself

available to Soviet Agents 'so he could do the work he felt he was slated for' and 'do something to directly help Russia'." N.Y. Herald Tribune, July 18, 1950, p. 1 (Ex. VII-B-1); *ibid.*, July 19, 1950 (Ex. VII-E-2).

"The FBI quoted Rosenberg as saying 'I wanted to do something to directly help Russia'." N.Y. Daily News, July 18, 1950, pp. 1, 24 (Ex. VII-C-1).

"Rosenberg's red affiliation was known as far back as Feb. 9, 1945, Hoover said, when he was discharged as an engineering inspector from the Army Signal Corps on information indicating he was a member of the Communist Party." N.Y. Journal American, July 18, 1950, pp. 1, 8 (Ex. VII-E-3, 4).

"Rosenberg at that time was an associate engineering inspector for the Army Signal Corps. He was fired by the War Secretary in 1945 on information that he was a card-carrying Communist." N.Y. Post, July 18, 1950, pp. 2, 14 (Ex. VII-G-1).

On the basis of the Government's announcements the press took up the hue and cry against the petitioners, independently embellished the stories, and featured independent commentaries and editorials with respect to Soviet spying. They connected the petitioners with the "Fuchs-Gold" espionage ring, and pounced upon their alleged Communist affiliations and beliefs, and inflated the F.B.I. appraisal of the injury inflicted on our country by reason of the alleged espionage activities of the petitioners. This is apparent in all of the newspaper articles and commentaries to which we have referred above. And as the eve of the trial of the petitioners approached, the press was still permeated with vivid accounts and graphic pictorials of the effects of atomic attack upon the New York city population (See e.g.: Exhibits VIII-A to XV-A).

Thus, the prosecuting and investigative officials of the Department of Justice "caused and stimulated . . . massive pre-trial publicity." All of this evidence pointed to the "guilt of the offenses charged in the indictment." Some of the damaging evidence could never have been properly introduced at the trial of the petitioners, because it related to matters outside the scope of the

charge.

This pre-trial publicity was prosecution without defense. In effect, it was not only testimony without cross-examination, but a special public sponsorship by the F.B.I. -- weighted by its prestige and reputation for infallibility -- of the credibility of the prosecution witnesses. It was a presentation of evidence untempered, unchallenged or minimized by evidence offered by the accused. It was, in short, the kind of circumstances, which the court in the Delaney case, stated was conducive to public "preconceptions as to probable guilt," which must vitiate the conviction.

THE PERL INDICTMENT

SIXT-ENTH: The unfair tactics of the Government, which preceded the trial, in influencing the community, were climaxed with a coup in the very midst of the trial proceedings, in the form of the indictment of one, William Perl.

The trial of the petitioners commenced on March 6, 1951 and terminated when the jury returned a verdict of guilty on March 29, 1951.

On March 15, 1951, a sensational story broke in the entire metropolitan press of New York City concerning the indictment, returned in the U.S. District Court of the Southern District of New York against Perl, for the crime of perjury.

Four counts were reported to be contained in the indictment. The first count related to false testimony Perl allegedly gave before the Grand Jury with respect to material matter as to his knowledge of the co-defendant Morton Sobell. The second count made similar charges with respect to matter as to his knowledge of Helene Blitcher, wife of Max Blitcher. Mrs. Blitcher had been listed as a proposed Government witness (R. 51-2). Blitcher had already

completed his testimony as a Government witness in the trial, on March 9 (T. 197-388). The third count made similar charges with respect to matter as to his knowledge of the petitioner, Julius Rosenberg. The fourth count made similar charges with respect to matter as to his knowledge of Ann and Michael Sidorovich (wife and husband). This latter couple had likewise been listed on the Government's roll of witnesses (R. 51-2).

The falsity of the testimony was alleged to be Perl's sworn denial of his knowledge of any of these persons on his appearances before the Grand Jury on August 18, 1950 (first three counts) and on September 11, 1950 (fourth count), in the course of its inquiry into "Soviet espionage."

The metropolitan press bannered the Perl indictment. It was the front page story of the day. The New York Times headlined its story: "COLUMBIA TEACHER ARRESTED, LINKED TO 2 ON TRIAL AS SPIES." The sub-head read: "Physicist called perjurer in denying that he knew Rosenberg or Sobell." (Ex. XV-A-9). The New York Daily News' front page read: "EAB NEW YORK PROF IN SPY PROBE." The story itself appeared on page 2 under the caption "Columbia instructor nabbed by FBI as atom-plot perjurer." (Ex. XV-C-10). The New York Daily Mirror blared: "COLUMBIA PROFESSOR SEIZED BY FBI," accompanied by adjoining pictures of William Perl and petitioners in handcuffs. The companion story was headed: "College Scientist arrested as liar in atom spy case" (Ex. XV-D-7). The New York World Telegram and Sun likewise featured its story with: "COLUMBIA PROF HELD IN TRIAL AS SPY LINK," with the sub-head "U.S. says he had been urged to go abroad" (Ex. XV-P-8); the N.Y. Herald Tribune headlined its story: "COLUMBIA INSTRUCTOR ARRESTED FOR PERJURY IN ATOM SPY CASE," followed by sub-title "FBI

seizes William Perl; 4 count indictment based on denial he knew Rosenberg, Sobell." Alongside the story was a large picture of Perl. (Ex. XV-B-8). On Page 1 of the N.Y. Post of this day was a full length picture of Perl with the caption "Columbia University Scientist held in \$20,000 bail on a perjury charge." (Ex. XV-C-8). The N.Y. Journal American, p. 1, introduced its story: "COLUMBIA INSTRUCTOR ARRESTED ON PERJURY CHARGE IN ATOM PLOT" (Ex. XV-D-10).

The N.Y. Daily News story connected Perl with Gold, one of the prosecution witnesses in the trial against the petitioners and the "spy ring on trial." It continued: "He was charged with denying before the Grand Jury last August and September that he knew Julius Rosenberg . . . and Morton Sobell, now on trial on espionage charges . . . the FBI said he was a classmate of Rosenberg and Sobell at City College . . ." There followed, in the same account, a resume of the testimony that had theretofore been given on the trial of the petitioners.

The N.Y. Daily Mirror story stated, among other things, that "a young Columbia University scientist, described by the U.S. Attorney's Office as one of the nation's top specialists in aerodynamics and jet propulsion was arrested by the FBI last night on a four-count perjury indictment linking him with the current atomic espionage case . . . Dr. William Perl, 32, of Russian, Polish extraction (sic) was taken into custody . . . Perl was indicted Tuesday by the Federal Grand Jury investigating the atom spy ring, charged with denying acquaintance with his former CCNY schoolmates, Julius Rosenberg, and Morton Sobell, defendants in the espionage case being tried in Federal court here . . . Perl, in his testimony before the Grand Jury on August 18 and September 11, 1950, also denied

knowing Michael and Ann Sidorovich of Cleveland, Ohio and Max and Helene Elitcher of . . . Flushing. The Sidorovich's according to trial testimony of former army sergeant David Greenglass and his wife Ruth were supposed to act as couriers between Cleveland and New York, a job subsequently given to Harry Gold, also a defendant . . . Perl, Rosenberg, Sobell and Elitcher, all attended CONY. . . In Washington, FBI director J. Edgar Hoover said Perl had been under investigation since shortly after the arrest of Harry Gold in May, 1950. The arrest of Gold, Rosenberg, his wife, Ethel, and Sobell followed the capture of Dr. Klaus Fuchs in England . . . Asked whether Perl is believed to have turned aeronautic secrets over to the spy ring members, U.S. Attorney Saypol commented "all I can say is that he was indicted in connection with the probe of a Soviet atomic spy ring some of whose members are now on trial." There followed a recapitulation of the testimony of Ruth Greenglass which had been given on the trial of the petitioners on March 14, 1951, the day before. It must be recalled that her testimony had not been completed and the record shows that she was in the midst of cross examination when the news of the indictment became public (R. 756).

The N.Y. World Telegram and Sun story stressed: "William Perl, jet propulsion scientist and physics instructor at Columbia University today pled innocent to a 4 count perjury indictment in connection with current atomic espionage trial." It added he was charged "with having lied when he told a Federal Grand Jury he did not know Julius Rosenberg and Morton Sobell."

The N.Y. Herald Tribune story had this comment: "William Perl, 32, an instructor in physics at Columbia University was arrested here last night by agents of the

Federal Bureau of Investigation on a sealed indictment charging him with perjury in connection with a spy ring transmitting atomic secrets to Russia... Four count indictment accuses him of lying when he denied he knew Julius Rosenberg, Ethel Rosenberg and Morton Sobell, 2 of the 3 in a trial now entering its eighth day at the U.S. courthouse here, in which they were accused of a war-time conspiracy to steal atomic secrets for Russia... Mr. Perl was a classmate of both Rosenberg and Sobell at City College... the other two counts accused him of denying that he knew Mr. and Mrs. Michael Eldorovich and Mrs. Helene Fitcher who have already appeared as witnesses for the government in the current espionage trial. [The record shows that these three people were never called, by the Government to testify.] All four of the alleged perjuries were said to have been committed before the grand jury August 10 and September 11." The remainder of this story spilled over into an account of the testimony that had been offered in the trial of these petitioners the day before.

The N.Y. Post story was headlined "PHYSICIST HELD AS HUSBAND OF SPY TRIAL AID", and sub-headed: "William Perl... was held today... on a perjury indictment growing out of the atomic spy trial". The story indicated that Perl was said to flee the country and introduced one, Vivian Glesner, who "has been listed by the government as one of the witnesses to be called in the espionage conspiracy trial of Julius Rosenberg, his wife, Ethel, and Morton Sobell... Perl is accused... of lying... by denying that he knew Rosenberg, Sobell and other persons who have been mentioned in the espionage case... Policy [an Assistant U.S. Attorney] asserted: 'In my presence Perl has admitted in my presence that he lied to the grand jury...'

despite his denial that he knew Rosenberg and Sobell on trial for their lives with Mrs. Rosenberg. The FBI said that Perl was his classmate...."

The N.Y. Journal American quotes U.S. Attorney Saypol as stating that Perl "was part of the whole atom spy investigation and was given money by Vivian Glasser to flee the country". It recites further that the perjury was based upon Perl's statement to the Grand Jury that he did not know Sobell, the Greenbergs or the Glitchers. "The D.A. continued to explain that Perl was a college classmate of Sobell, Rosenberg and Ethel." "The dark wavy haired Perl has been urged by the government for the past month to be a prosecution witness in the current spy case...It was learned he became more and more obstinate though his name was on the list of prospective Federal witnesses handed over to the defense, and flatly refused to testify." The story refers to the parentage of Perl as a "Russian" father and a "Polish" mother.

Perl's alleged perjury was committed six months before he was indicted. If Asst. U.S. Attorney Foley is to be believed Perl had admitted to the authorities that he had lied.

The inquiry naturally arises as to the reason the Government waited six months before causing an indictment to be returned against Perl and why the indictment was unsealed in the course of the petitioners' trial. There is no indication that Perl told the Government or any agent of the Government anything other than what he told the Grand Jury on his appearances before that body in August and September of the previous year.

The docket in the Perl case (C-135-43) shows that

the indictment against Perl was returned on March 13, 1951 and filed and ordered sealed by Judge Belmont, who was then sitting in the Criminal Court which normally disposes of such matters. Nevertheless, the sealed indictment was not ordered opened until the following day. It was then opened and a bench warrant issued, not by Judge Goddard, but by Judge Irving Kaufman, the presiding judge in the petitioners' trial.

This deviation from normal procedure must be related to the circumstances that David Greenglass, the Government's main witness against the petitioners, had been on the stand testifying for the Government on March 13, and March 14, 1951, the day of, and the day following, the return of the sealed indictment. His examination was concluded on March 14, 1951. Ruth Greenglass also a key prosecution witness had completed her direct testimony and was in the midst of her cross examination by the close of the court day of March 14. Perl was apprehended the night of March 14 and arraigned March 15.

The timing of the release of the indictment becomes significant when one considers the statement made to the press by prosecuting attorney, Saypol, when Perl's indictment was made public. He said:

"Mr. Saypol said that Perl had been listed by the Government as a prosecution witness in the current espionage trial. His special role on the stand, Mr. Saypol added was to corroborate certain statements made by David Greenglass and the latter's wife, who are key Government witnesses at the trial."

Further insight into the timing of the indictment and clarification of Saypol's position are found in the parallel lines of the statements concerning the perjuries of William Perl issued to the press, and the testimony of David Greenglass on the witness stand at the petitioners' trial.

Greenglass (and his wife) had testified that Rosenberg stated to them that Ann Sidorovich was an espionage courier (R. 443-50, 686-90). It will be recalled that the press stressed the count in Perl's indictment that he had lied concerning his knowledge of the Sidorovitchs, and coupled this with his alleged perjury with respect to his knowledge of the petitioner Julius Rosenberg.

David Greenglass testified further that Rosenberg had admitted to him that he had espionage contacts in Cleveland where Perl apparently resided and where, concededly, the Sidorovitchs lived (R. 516-17). The Government's claim that Perl lied would lend support to this testimony of the Greenglasses.

Moreover the subject of Perl and the Sidorovitchs became important in the cross examination of Julius Rosenberg when he took the stand in his own defense. Saypol queried him sharply about his knowledge of Perl, which in the face of the indictment that had then been returned on March 15, was prejudicial on its face (R. 1159-60). (Saypol apparently understood this, since, after the formalities, it was the first question he posed on cross.)

But Saypol went further in his cross examination and inquired whether Rosenberg gave Vivian Glassman \$2,000 to give to an alleged confederate in Cleveland (R. 1193-1198). It will be remembered that the newspaper accounts stated that the purpose of the alleged Vivian Glassman trip was to give money to Perl. This was, per se, a poisonous injection into the trial which could only prejudice the petitioners in the minds of the jury.

That this coup of the prosecution in causing the indictment of Perl, when it did, cannot be sloughed off as a

routine criminal proceeding was made apparent only by events which occurred--and became known to the petitioners--subsequent to the termination of their trial.

The docket in the Earl case records that Earl has not yet been brought to trial although he has been pressing for a speedy trial. At the time of Earl's arraignment, on March 15, 1951, John W. Foley, Assistant U.S. Attorney, also a counsel of record for the Government in the trial of the petitioners, stated to the Court:

"The Government is ready to proceed on April 2nd. However, counsel for the defendant has advised me that he is going to be engaged through the 8th of April and he would not be ready for trial until the 16th or 17th of April. The Government has no objection to the date defense counsel suggests."

The Government, however, has avoided a trial. According to Earl's contradicted statements in affidavits submitted in support of motions to compel a speedy trial, the Government refused to proceed on a trial date set for June 18, 1951, and, again on October 4, 1951, to which date the trial had been adjourned, when the case was marked off the calendar.

The U.S. Attorney's office, as noted above, had declared, at the arraignment of Earl which occurred during the sentence of the petitioners' trial, that it was "ready to proceed on April 2," (1951), but has since objected to going to trial even a year later--in June 1952.

In an affidavit submitted on May 24, 1951, by Robert Martin, Assistant U.S. Attorney, in final the following language:

"The reason that the case has not been brought to trial to date is because, among other reasons, which may not properly be declared at this time, the U.S. Attorney believes it desirable to have all aspects of the Rosenberg and Sobell prosecution completed before commencing prosecution in the related cases."

He further stated in a supplementary affidavit on June 1, 1952:

"The offense charged in the indictment of this case is one of the most serious import. The defendant is a physicist and a leading specialist in crypto-mathematics. He has done work in fields of top military secrecy. He is charged with perjury in that he denied knowing, before a Grand Jury investigation of espionage, persons who have subsequently been convicted of engaging in espionage on behalf of the Soviet Union. The prosecution in the espionage case, that against Julius Rosenberg has not been completed and is presently awaiting application for review by the Supreme Court. The U.S. has deemed it unwise to proceed further and reveal proof in this perjury case until the Rosenberg case and related matters have been concluded."

It is constituted a surprising change in the Government's attitude, for on March 30, 1950, in arguing against the motion for a bill of Particulars, the U.S. Attorney Foley had stated:

"If this were an unusually difficult case, if it was a complicated factual situation, if it required great pains in preparing for trial, then I could understand the defense counsel predicament. I would not agree with their contention, however. But this is such a simple case, your Honor, I do not see why any unusual allowance should be made in a Bill of Particulars."

The only reasonable conclusions that can be drawn from this concatenation of events are either: (1) the Government acted in bad faith in causing an indictment to be returned against Perl and timed its release to prejudice the petitioners before the jury at their trial, or (2) that the evidence that might have been elicited on Perl's trial would have tended to exculpate the petitioners in their case.

The Court has before it the question as to whether or not these actions in the Perl indictment represents a fraud upon the Court. But whether or not there was mala fides, there was imposition on the administration of justice, by the timing of the Perl indictment, under the circumstances above described.

Its effect was highly prejudicial and could only have further influenced the jury against the petitioners, and deprived them of that fair trial guaranteed to them under the Fifth and Sixth Amendments to the Constitution of the United States.

II

SUMMARY: The case against the petitioners was built upon perjured testimony. The prosecution, as will be pointed out below, must have known that the testimony was false.

The incidents recited below, singly and together, give indication that the entire prosecution was tainted with fraud. In combination with the extra-judicial tactics of the Government to prejudice the petitioners in a trial by newspaper, and the matter discussed in Point III below, it is made readily apparent that the petitioners--who stand to forfeit their lives--were the subjects of a monstrous miscarriage of justice.

THE GREENGLASS "CONFESSIO"

BACKGROUND: David Greenglass was apprehended in the early afternoon of June 15, 1950 (p. 562).

He testified that, in the evening of June 15 and the early hours of June 16, he revealed to the authorities truthful information concerning his illegal activities at Los Alamos and elsewhere.

During questioning by the Court, Greenglass testified as follows:

- Q. Well, did you conscientiously withhold any facts that night?
- A. No, I did not conscientiously withhold those facts.
- Q. And did you conscientiously tell substantially what you have told in court these past few days?
- A. That I did, and in other statements, because I couldn't remember at once.
- Q. Well, when you left that evening, was there any understanding that you would make a subsequent statement?
- A. I suppose there was.

Q. I don't want to know whether you suppose.

A. Yes, there was an understanding to that effect. I said to them that is to the best of my knowledge at this time." (R. 577-78).

Immediately, after his apprehension, Greenglass arranged to retain the firm of O. John Rogge, Esq., as his attorneys (R. 594), and the following day paid Rogge a retainer of \$4,000 to represent him (R. 732, 794). Greenglass was allowed to testify further, under cross-examination as follows:

Q. Didn't you tell your lawyer to fight this case for you?

A. I did not." (R. 594).

Greenglass' answers to the above questions were false and perjurious and known to be such by the prosecution.

It was only during the proceedings on Greenglass' sentence, which took place after the case against the petitioners had been fully closed and sentence against them had been pronounced, that this testimony was belied.

At that time, Saypol, the United States Attorney, in active and chief charge of the prosecution, addressed the court as follows:

"When David Greenglass was arrested after the first indictment in the State of New Mexico, I remember well how at his arraignment before the Commissioner in this District Mr. Rogge protested his innocence. Through Ruth Greenglass, his wife, came the subsequent recantation of those protestations, their representation and the disclosure of the facts by both of them..." (S. 1623).

The facts comport with Saypol's comments. It is significant, however, that when the trial did Saypol make any attempts to correct the falsity.

Greenglass was the key government witness against the petitioners. A sharp issue was presented to the jury. Its determination was necessarily based upon an evaluation of the credibility of the testimony of Greenglass as against the

the credibility of the testimony of the petitioners, which testimony was in direct conflict on the basic issues of the case. Not only would his failure to "confess" in effect have per se impaired Greenglass' credibility, but it would have enabled the defense to inspect the first statements that Greenglass allegedly gave to the authorities on his apprehension, that may have further exposed this witness.

On the afternoon of June 14, Greenglass was arraigned and Mr. Rogge, appearing as his counsel, demanded low bail (R. 596). The United States Attorney opposed the application and Greenglass was then lodged in the West Street Detention House and placed in solitary confinement (R. 596-97).

In the meantime and on the morning of June 14, the petitioner Julius Rosenberg was requested by the F.B.I. representatives to be interviewed at the Federal Building (R. 1137). Upon compliance with the request, this petitioner was questioned for a number of hours, but was not detained (R. 1137-41). He left the building, unharmed and unrestrictured (R. 1141).

On June 16, two days later, Greenglass' wife, Ruth Greenglass, the second most important Government witness, consulted with Rogge (R. 732). About a day later, Greenglass was removed from his confined quarters and restored to the usual privileges of prisoners (R. 598-99).

Mrs. Greenglass continued in regular consultation with Rogge (R. 775-80). In the middle of July, she "willingly" accompanied this lawyer to attend a pre-arranged conference at the office of the United States Attorney, Greenglass being brought in to attend (R. 742-43). Present were present at this conference Rogge, his chief assistant, Lere, and agents of the F.B.I. It is interesting to note that in contrast to other witnesses, Mrs. Greenglass' first interview took place in the

office of the United States Attorney rather than in the office of the F.B.I. (R. 742). Both David and Ruth Greenglass were vague about the subjects of discussion at this session (R. 701-2, 743), but in the wake of the conference three events ensued. Mrs. Greenglass, with her lawyer, returned the next day to talk with F.B.I. agents and the day following signed a prepared statement (R. 743). The petitioner Julius Rosenberg was arrested within a few days thereafter. Greenglass was transferred from the Federal House of Detention at West Street to the Tombs (R. 593-59). From that time Greenglass became a frequent visitor at the Federal Building and signed "six" or "seven" statements and, in addition made many unwritten statements (R. 704). Mrs. Greenglass remained and continues to remain a free woman (R. 740).

When Rogge, on Greenglass' sentence, made his plea for leniency, he declared:

"...now with this background what I do want to emphasize is that David did cooperate with the Government and all out from the outset? (R. 1628)

He further stated that he represented at least six people who were active for the prosecution in this case -- the Greenglasses, Max Elither (the first witness against the petitioners at the trial) and Elither's wife (who was named on the Government's list of witnesses but not called), Louis Abel and Dorothy Abel, his wife (who were Government witnesses), and Helen Pagano (Mr. Rogge's secretary, who was likewise a Government witness) (R. 1629).

Upon information and belief, Greenglass told Rogge, immediately after his apprehension and on a number of occasions thereafter, that he desired to defend himself against the charges. He also told Rogge and Ruth Greenglass, his wife,

immediately upon his apprehension and within a few days thereafter that he had deliberately told the F.B.I. conflicting stories at the time he was questioned upon his apprehension on the evening of June 15 and the early hours of June 16, 1950.

Were George or his associates to be subpoenaed or were the records of George's office and the office of the U.S. Attorney, to be produced in Court under a subpoena duces tecum, it will be disclosed that Greenglass did not "confess" to the authorities at the time of his apprehension or within a few days thereafter and that, far from cooperating with the authorities he intended to stonewall "cooperation" until he had effected a satisfactory deal for himself and his wife.

The suppression of the truth on the part of Greenglass at the petitioners' trial with the consent and acquiescence of the prosecuting officials constituted a fraud upon this Court and resulted in a conviction which is violative of petitioners' rights under the Fifth and Sixth Amendments to the Constitution of the United States.

GENERAL FACTS OF CASE NO. 100-1-100

FACTS: Government's exhibits 2, 6, 7, and 8 were introduced in evidence on the basis of Greenglass' testimony.

Exhibit 2 was a purported replica of a sketch which Greenglass allegedly delivered to the petitioner, Julius Rosenberg in January, 1945. It purportedly represented a lens mold made at the Los Alamos project (R. 438).

Exhibits 6 and 7 were replicas of sketches of a lens mold in schematic view that were later purportedly developed at the Los Alamos project.

Exhibit 8 was a purported replica of a sketch of a cross-section of the Nagasaki-type atomic bomb, a sketch of

which was allegedly delivered by Greenglass to the petitioner, Julius Rosenberg, in, September, 1945 (E. 498-69).

These exhibits were made by Greenglass after his apprehension: Exhibit 2, immediately after his arrest; Exhibits 6, 7, and 8, prior to the petitioners' trial for trial purposes (E. 439-41, 440-41, 463).

Greenglass swore that these exhibits were prepared by him from memory alone and that he was not aided in preparing them by any person or by any reading matter furnished to him by the authorities or any other person. On cross-examination, his testimony was:

Q. And when you drew the sketches--one of them I believe in Dec., 1950 and the other a day or two before you testified--and I think they are reflected and marked Government's Exhibits 2, 6 and 7--did you rely solely on your memory in making them?

A. I did.

Q. Now, when was the last day that you worked on the Los Alamos project?

A. 1946, February.

Q. That month?

A. February.

Q. That was about four and a half years ago?

A. That's right.

Q. And you relied solely on your memory?

A. I did. (E. 609)

Q. Now, were you given any reference books or text books while you were in jail since your arrest, relating to any scientific matter?

A. No. I didn't--nobody gave me any.

Q. Did you read any scientific books while you have been in jail?

A. Just science-fiction. (E. 610)

And again, in answer to the Court, he stated:

"The Court: ...let me ask you: These sketches that are in evidence, are they the product of your own mind? That is, were you helped by anybody outside in drawing these sketches?"

The witness: Nobody else, just myself.

The Court: Did anybody tell you to change any line here or change any line there?

The Witness: Nobody told me anything like that." (P. 11)

This testimony was perjurious and must have been known to the authorities to be false.

Since all of these exhibits were prepared by Greenglass after he was already in the custody of the United States Government, he could not have been aided or coached by any person or reference books without the knowledge of the prosecuting authorities, or their agents.

Greenglass is a high school graduate, with no higher educational degree to his credit. He failed in the eight courses he took in a single semester at a polytechnical institution. His remaining adult education was confined to attendance for a year and one-half at a school of design. He never acquired a degree in science and engineering; nor has he ever taken any courses in calculus or advanced calculus, thermodynamics, nuclear or atomic physics, or quantum mechanics. He was a machinist by vocation in civilian life for a short time prior to his induction into the Army. During his Army career he was assigned to work as a machinist. (P. 10-15).

Renowned scientists have read the testimony given by Greenglass, and considered it in light of: (a) the time lapse between the alleged production of the sketches in 1945 and their alleged reproduction about six years later; and (b) his educational and vocational background and the specific knowledge, have attested as follows:

The affidavit of J. Edgar Hoover, A.D. 03-51, 2, duly sworn to before a Consul of the United States in London, England on November 14th, 1953, annexed hereto, made full and complete and carried "Exhibit A", states that, in the direct quotes above described, in his opinion, it would have been "impossible" for

Greenglass to have reproduced Exhibits 2, 4, 7 and 8 "relying solely on memory and without any outside aid".

The affidavit of THOMAS EDWARD WALKER, duly sworn to before a Consul of the United States at Manchester, England, on November 10, 1952, annexed hereto, made a part hereof, and marked "Exhibit D", states that, in the circumstances above described, in his opinion it is "improbable" that Greenglass "could reproduce, in any detail" Exhibits 2, 4 and 7, after a lapse of five or six years and "relying solely on his unaided memory"; and that it was "inconceivable" that Greenglass could reproduce Exhibit 8 "without the aid or assistance of any person or written matter or help from any technical scientific source".

The affidavit of JACQUES S. MADAYAN, duly sworn to before a Vice-Consul of the United States, in Paris, France, on November 7, 1952, annexed hereto, made a part hereof and marked "Exhibit E", states that, in the circumstances above described, in his opinion, it is "highly improbable" that Greenglass "could have reproduced in any detail" Exhibits 2, 4 and 7, after a lapse of five years "relying solely on his unaided memory"; and that it is "inconceivable" that Greenglass could have reproduced Exhibit 8, "relying solely on his unaided memory".

Upon information and belief, Greenglass was in consultation with the co-conspirator Gold and others while the two were lodged under the roof of the same institution or institutions either at the Federal House of Detention at 425 West Street, Borough of Manhattan or at the "Punks" at Centre Street, Borough of Manhattan. Some employees at these latter two institutions will, if subpoenaed, testify that books were brought in to places within these prison walls or in the Federal

Building, Foley Square, New York City, for access to and reading by, Greenglass, and, that he consulted with Gold and other persons for the purpose of enabling him to prepare Exhibits 2, 6, 7 and 8.

These exhibits went to the gravamen of the case and the core of Greenglass' testimony. As can well be understood, they constituted in the lay mind of the jury, most damaging evidence. The suppression concerning the truth, that a hearing on this petition will now fully reveal, that these exhibits were literally "manufactured" for trial, is a most profound imposition upon the court and a measure of the magnitude of the extent to which the evidence on which the petitioners were convicted was a result of fabrication.

SCHNEIDER TESTIMONY

THE FIFTH: The last witness for the Government, produced in rebuttal, was one, Ben Schneider. This witness' name did not appear on the Government's list of witnesses and the failure to give the petitioners advance notice, as required by statute, was excused on the ground that he was not known to the authorities until one day before the day he gave his testimony.

Schneider testified on March 27, 1950. He testified that he was first approached by F. B. I. agents the morning before and shown photographs of the petitioners, that he recognized them from those photographs, although on cross he admitted that he had seen but not recognized pictures of the petitioners which had appeared in the newspapers from the time of their arrest to the time he was approached by the F. B. I. He claimed the newspaper pictures were unrecognizable to him because they showed only a "front view", and the F. B. I. agents

had shown him "a front view and side view" (R. 1432).

On his direct examination Schneider testified in response to a question by the District Attorney, in part, as follows:

"Q. Did you then deliver it to Mr. Rosenberg?

A. Yes (R. 1429)."

This question referred to the witness' delivery to Rosenberg of passport photos allegedly taken by the petitioners and their two children in May or June, 1950, at the witness' photography shop at 99 Park Row, Manhattan, New York City.

Then the prosecutor asked the following questions and received the following answers from the witness:

"Q. Did he pay you?

A. That's right, Sir.

Q. And is that the last time you saw him before today?

A. That's right." (R. 1429) (emphasis ours)

Upon information and belief this testimony was perjurious. The ground of information and the source of belief are a book published after the trial of the petitioners, in 1952, by Oliver Pilat, entitled "The Atom Spies" (G. P. Putnam Sons, New York). On page 287 of this work the author states:

"Julius and his lawyer scoffed at the idea that the Rosenbergs ever had any notion of leaving the country. While Julius was still on the stand, an FBI agent brought into the courtroom a photographer from a shop hardly a block away who recalled somebody resembling the description of Rosenbergs, with two wild kids, coming in for passport photos. He wanted a look at Rosenbergs to be sure, and when he took the look, he nodded. He was the next witness, a devastating one. He described the wild behavior of the Rosenberg boys, then recalled that Rosenberg had boasted that his wife had just inherited a large sum from a relative in France, and that the family was planning a trip to Europe to collect the inheritance." (emphasis ours).

The petitioner Julius Rosenberg was on the stand on March 26. It is apparent that Schneider did see the Rosenbergs

for purposes of identification the day prior to his own testimony. It is a fair inference that the prosecuting officials aided him to come into the courtroom, in contravention of the trial Court's order excluding all witnesses from the courtroom, except in the course of their testimony.

The prosecution authorities, therefore, knew that Schneider lied when he said that he had not seen the petitioner Julius Rosenberg from the time of the taking of the alleged photographs, in May or June, 1950, to the time he took the stand on March 28, 1951 and identified the petitioners in open court. On a hearing on this petition, the petitioners will be enabled to produce evidence of this knowing fraud upon the Court.

Schneider's testimony was a dramatic climax to the trial and introduced harmful and damaging evidence against the petitioners. It served to corroborate Greenglass' otherwise uncorroborated story, that the petitioners were intending to flee the country and that they were making preparations to accomplish that purpose by taking passport photos (R. 529). And it served to relate more directly to these petitioners evidence concerning the alleged "flight" of the co-defendant, Morton Sobell (R. 919-935).

Were it known to the jury that this "aid" to Schneider's recollection was necessary to accomplish his identification of the petitioners, it might have attached credence to the testimony of this otherwise potentially suspect witness.

The conviction of the petitioners was steeped in fraud aided and abetted by the prosecuting officials. It was an imposition on the court, the jury, the entire administration of criminal justice. This official co-ordination of false testimony must nullify the conviction which was obtained upon it.

III

THE "SECURITY OF THE INFORMATION" ALLEGED TO HAVE BEEN TRANSMITTED

TWENTY-FIRST: United States v. Heine, 151 F. 2d 813, 815 (C.C.A. 2nd, 1945) cert. den. 328 U.S. 833, construed the Espionage Act to read that, unless the information alleged to be the subject of transmittal--or conspiracy to transmit--to a foreign nation is "secret", no crime is committed under that law. "Secret" information, as defined by the Heine case and Corin v. United States, 312 U.S. 19 (1941), has the meaning accorded to the more common usage: "classified" information.

The testimony at the trial of the witnesses Walter S. Koski and John A. Derry attested that the information, in the instant case, allegedly transmitted to the Soviet Union, and the subject of the alleged conspiracy to transmit, was "secret", classified matter (R. 466-86; 903-917).

The petitioners represent, as set forth below, that the United States Government or one or more of its agents, arbitrarily and capriciously classified the aforesaid material as "secret"; and that, in fact, it was not "secret", but widely known and published throughout the world - and, especially in the Soviet Union, the alleged beneficiary of the transmittal.

I. GENERAL STATEMENT ON THE SECRET OF THE ATOM BOMB

There were three principal military secrets of the atomic bomb.

The first of these was whether the existing technology in any country or group of countries could produce the needed materials in the quantity and of the purity required for the detonation process.

The second secret was whether such a bomb, if assembled, would actually explode, and explode with the violence.

which had been theoretically predicted.

The third secret was the rate of production of atomic bombs. Clearly, if only one or two could be produced every ten years, this weapon would be of minor military importance. On the other hand, if production of large numbers were possible in a reasonable period of time, the bomb would become an important factor in current military theory.

Any other so-called secrets were minor, subsidiary in character, or no secrets at all. For example, the necessary theoretical physics for the production of the bomb was never a secret. It was internationally known by 1940. H. D. Smyth in his well-known report on "Atomic Energy for Military Purposes", Princeton Univ. Press 1945, documents this point quite fully in his introductory chapter. After detailing the developments of theory which led to the decision to make atomic bombs, he states in paragraph 1.60:

"Looking backward on the year 1940, we see that all the prerequisites to a serious attack on the problem of producing atomic bombs and controlling atomic power were at hand. It had been proved that mass and energy were equivalent. It had been proved that the neutrons initiating fission of uranium reproduced themselves in the process and that therefore a multiplying chain reaction might occur with explosive force. To be sure, no one knew whether the required conditions could be achieved, but many scientists had clear ideas as to the problems involved and the direction in which solutions might be sought."

Of the three really important secrets, the first two were simultaneously revealed to the world when the Hiroshima bomb was exploded. The responsible authorities of the Manhattan Project quite clearly recognized that a very large part of the entire project was not a real secret by issuing the Smyth Report, and by the relatively prompt declassification of project material now being published by the McGraw-Hill Publishing Company of New York as a National Nuclear Energy Series. Some fifty volumes have already been published, or will be published soon.

The Smyth Report outlined all the basic steps involved in bomb production. It related, for example, the successful processes for the separation, in large quantity, of the critical isotope, uranium 235. It described many problems -- and their solutions -- associated with the pile; it told of the proper moderators to use for slowing down neutrons. It spoke in detail of the production of Plutonium 239, another explosive element. A section of the report was devoted to the principle of detonation of the bomb. The book included photographs of plants which had been built, and thus revealed the magnitude of the required facilities. In sum, it was a full, although qualitative, description of the most important technological problems which had been encountered, and of the methods of solution worked out in this country. It was published in 1945, shortly after the Hiroshima bomb was dropped, because what it related was not a secret.

The third major secret -- whether the bomb is a curiosity or a potentially important weapon -- has been revealed by the large number of bombs exploded for experimental purposes. Quite obviously, if the bomb production rate were one a year, any government would hesitate about detonating any considerable fraction of its stock-pile for experimental purposes.

This petition will demonstrate the following: it will first indicate the general problem of atomic bomb production in order to show the overall process and the interrelations of its many parts. It will demonstrate that the details of the detonation mechanism are but a miniscule part of the whole gigantic operation. It will also show that the details of any particular detonating element need not be known to produce the bomb because there are many alternative paths.

It will then prove that the secret of the detonating mechanism -- allegedly the secret transmitted by David Greenglass to the U.S.S.R. -- is no secret at all. At the time of the trial, it was held by the Government and its witness, Walter S. Koski, that the theory of "implosion" utilized for the purpose of assembling the critical mass of fissionable metal was invented and developed at the Los Alamos Project. The falsity of this statement will be shown by direct reference to the scientific and patent literature available prior to the initiation of the Manhattan Project.

II. GENERAL PROBLEM OF ATOM BOMB PRODUCTION

A. THE RELATIONSHIP OF THE DETONATING MECHANISM TO THE OVERALL PROCESS.

There are four major steps in the production of an atom bomb. These include: a) the preparation of the many pure compounds, metals and elements required at the start; b) the use of the starting materials for the preparation of the fissionable isotopes Uranium 235 and Plutonium 239; c) the conversion of these isotopes into pure metallic form operating now with small subcritical batches of material; and d) arranging the pure fissionable metal in a device so that at the appropriate time a mass in excess of the critical mass can be assembled with great speed and thus detonated.

To understand the magnitude of the effort and the multitude of paths by which one may proceed in developing an atom bomb, a brief review of processes at each level will be presented.

To make bombs a sizable quantity of pure Plutonium 239 or pure Uranium 235 is needed. This quantity must be as many times larger in its magnitude than the critical mass as are the number of bombs to be produced. The metal must be extremely pure. A bomb can be made from this very pure metal

utilizing at least three different methods: a) That of firing two subcritical masses together; b) that of compressing the critical mass from a sponge form to the very dense form of the metal; and c) that of suddenly placing a neutron reflector around a mass of metal not presently in the critical conditions. All three of these methods have been variously discussed as possibilities and we can see that in this final phase there are these three methods for achieving detonation. No doubt each was tried in a great variety of combinations.

Going to the step which precedes detonation, we come to the preparation of the pure fissionable metal. This step requires the preparation of metal in very small subcritical batches. It is evident that this is necessary, else otherwise a self-sustaining nuclear reaction would begin. The methods of preparing pure metals are many and are varied. To list only a few that are commonly used by chemists, there are the reduction methods of the halogen compounds of these metals by more active metals like sodium, potassium, calcium, magnesium, aluminum and so forth. There are also reduction methods utilizing an electrical current with which the metal is plated out on an electrode. All of these and others were no doubt tried.

The step which precedes the final preparation of the pure metal is obviously its synthesis. There are two general methods for effecting the synthesis of fissionable metals. The first of these is a direct separation of Uranium 235 from naturally occurring uranium. The second method is that of synthesizing an element like Plutonium 239 by a nuclear transformation of Uranium 238 into it, i.e., the method of synthesis in the pile. The first of these, that of concentrating the least abundant isotope of uranium, may be effected in a great many ways, all of which have been investi-

gated in this country and discussed in the Smyth Report. Among the methods discussed in that report were: a) Gaseous diffusion; b) Electro-magnetical separation; c) Centrifugation; d) Chemical exchange methods; e) Thermal diffusion methods. Each of these requires a huge plant and many subsidiary factories to make the necessary parts. Each one conservatively estimated would be more than a hundred million dollar industry.

Among the methods for producing plutonium in a pile one may use uranium with any one of a number of different moderators so that we would have the possibility of: a) a helium moderated pile; b) a heavy water moderated pile; c) a beryllium moderated pile; d) a graphite moderated pile. There are also the possibilities of operating breeder type piles which involve much less moderation of the neutrons to achieve their effect. In any event, there are at the stage of fissionable element synthesis nearly a dozen ways to proceed. Again each of these requires a gigantic plant and many subsidiary industries. The construction of each such plant is in the 250 million dollar class of expenditure. The step which precedes the element synthesis stage is the one in which the pure raw materials needed for this work are made. There are many different kinds of compounds needed in an atomic energy program and in many cases whole new industries must be created for the production of individual compounds. Of these we may list the preparation of pure uranium compounds such as uranyl nitrate, the uranium oxides, uranium hexafluoride, the preparation of pure uranium metal itself in tonnage quantities, the preparation of tonnage quantities of the rare isotope of hydrogen, i.e., deuterium, the preparation of extremely pure graphites of high specific gravity, the preparation of aluminum tubing and jacketing materials for the uranium slugs, all of which must be of the highest

chemical purity, the preparation of pure beryllium compounds, the preparation of tonnage quantities of many of the fission fragment chemicals. Most of these substances required the development of completely new plant processes in this country in order to have these ready as needed by the atomic energy program.

Now from the mere recital of these many different processes it may be seen that there are a vast multitude of ways by which one may arrive at the final production of the bomb. The policy of the United States during the war was to depend on no one process so that at none of the four critical stages could a bottleneck develop. Thus, at every stage a group of parallel efforts along different lines was made. Hence it can be seen that any single process, any single detail of any process, such as one particular method for atom bomb assembly, represents the most minute part of the whole program. The small effort involved in any particular method of atom bomb assembly, represents the most minute part of the whole program. The small effort involved in any particular method of atom bomb assembly is indicated by the much smaller staff assembled to work on the final phases of atom bomb construction. (In this connection see the Rabinowitch quotation below.)

It is evident, therefore, that for any country to produce atom bombs a highly developed technology is as essential as is a highly competent corps of theoreticians. This means that in a particular nation there must exist not only people with scientific, engineering and mechanical skills, but also the physical plant in different areas of manufacture, transportation, power, communication and other fields. By way of example, the following, among others, are essential:

(a) A highly developed electrical industry, whether based on coal or hydro-electric power;

(b) A highly developed and productive metallurgical industry, capable equally of making relatively large amounts of pure new metals like uranium, as well as conventional steel and other alloys required for construction and other phases of bomb manufacture;

(c) A highly developed chemical industry, because of the necessity of making extremely pure materials in large quantity - whether carbon, heavy water, or fluorine.

(d) A well-developed mechanical electronic and instrumental industry, in order to make the large numbers of precise controlling mechanisms which are obviously required for those parts of bomb manufacture (including isotope separation) which must be run automatically.

(e) A large and efficient construction industry. One need only to look at the pictures of the Oak Ridge and Hanford plants which are reproduced in the Smyth Report (page 138) to realize that the bomb cannot be built in a mud hut.

(f) A well-developed transportation industry. This is obviously necessary in order to schedule the orderly shipment and receipt of the tonnage quantities of raw, semi-finished and finished products and materials associated with bomb manufacture.

The vastness of the scientific, engineering and manufacturing effort which went into the making of the bomb must be realized for a true picture of what is involved. The estimate has been made that some two billion dollars -- perhaps one per cent of our national income at the time -- was expended before the first bomb was exploded. It was an effort which required the cooperative efforts of several hundred thousand people with diverse skills. (Thus, the

population of Hanford, Washington, at the pile site, is given as 60,000 in 1944, Smyth Report, Page 146.) In short, in order to make atomic bombs, a nation must have a well-developed technology in all fields of engineering and manufacture, as well as a large corps of well-trained scientists, engineers and skilled workers.

This point is well made in the Smyth Report, in Chapter 13, Section 3 (page 224):

"Before the surrender of Germany there was always a chance that German scientists and engineers might be developing atomic bombs which would be sufficiently effective to alter the course of the war. There was, therefore, no choice but to work on them in this country. Initially many scientists could and did hope that some principle would emerge which would prove that atomic bombs were inherently impossible. This hope has faded gradually; fortunately in the same period the magnitude of the necessary industrial effort has been demonstrated so that the fear of German success weakened before the end came. By the same token, most of us are certain that the Japanese cannot develop and use this weapon effectively." (Our emphasis)

This statement is interesting and pertinent for several reasons. In the first place, the fear of German success most obviously did not abate because Germany did not have the necessary industrial plant. Merely to make the statement is to demonstrate its ridiculousness. The fear of German success decreased because Germany was in no position at the time to devote the necessary industrial plant (which she had) to making the bomb. The same can be said of the U.S.S.R. -- i.e., that almost all manufacturing facilities were devoted to the more immediate problems of getting out implements of warfare already tested in the field. It is primarily for this reason that the U.S.S.R. did not develop the bomb during the war -- because the large scale manufacturing effort could not then be made. It will be recalled that this was at a time when much of her industry was destroyed, a large part of her industrial areas overrun by the invader, and a frightening percentage of her people killed or under occupation.

With the end of the war, a reassessment of the desirability of making atomic fuels and explosives could be made. This reassessment must have been spurred by the disclosure of the one real secret involved in the bomb -- it could be successfully made and successfully exploded. The Smyth Report says that the hope that it could not be made faded gradually. This means that it was not known for some time that it could be successfully exploded. In the absence of the knowledge that the quest could be successful, any nation would hesitate before launching upon the scale of expenditure that is so necessary. However, once a bomb has been made, even though the many tons of blueprints associated with it was not available, the knowledge that success has been obtained must of necessity enter into calculations of whether to proceed or not. In addition, knowledge that the end was successful also means that more time can be spent in developing many alternatives paths to that end.

As a consequence, it is clear that there were an enormous number of combinations of methods by which success could be achieved. In time of peace it would be possible to decide which were the more efficient. In time of war and of hastily made decisions it was only necessary that a process work; efficiency was secondary.

It is also clear that in such an industry no one process was of overriding importance -- no one technical detail critical even though at the time individuals might have thought so.

In this vast array of processes any single method for the assembly of the fissile materials was just another detail -- just another of the many thousand details of the whole operation. To illustrate the validity of this assertion, suppose that failure was encountered at any of the stages where the pure isotopes were being prepared. Then no

matter how wonderfully ingenious the device for assembling the metal, it would have been quite useless.

On the other hand, suppose that any country of moderate technological ability were given the necessary amounts of the pure fissionable metals. How long would it take them to produce a detonation? It seems likely that only a few months would be needed. Quoting from a pertinent article in the Bulletin of the Atomic Scientists by Professor E. Rabinowitch (May 1951 issue, p. 139) on this very point we find:

"According to the Senate testimony of Admiral Parsons, the principles of these mechanisms were clearly established within a very short time after the beginning of this work. Considering that this research was, to a large extent, in internal ballistics, a field in which Russia has had a more extensive experience than the United States and in which it possessed a considerable number of first-class specialists, it is unreasonable to assume that even the necessity of solving these secrets on their own would have delayed the Soviet progress, if at all, by more than a few months. Perhaps they would have arrived at a solution different from those developed at Los Alamos; but whether their mechanism would have been (or, in fact, is) less or more efficient than ours, we do not know (unless this information has been provided by an American agent in the Soviet atomic project).

"It has often been pointed out that the bottlenecks in the development of the atomic bomb project during the war have not been in the establishment of basic facts or the blueprinting of technical solutions, but in the actual construction of the large production plants. There is no reason to assume that the same was not true of the Soviet progress as well. This means that the speed of this progress probably was determined by factors on which spying had but little, if any, influence,-- except possibly, by inducing their earlier initiation."

Thus it seems quite evident that the detail of the atom bomb is trivial technically and most inconsequential as a secret.

B. THE PRODUCTION OF ATOM BOMBS IN THE U.S.S.R.

From what has gone before it is obvious that any nation which seeks to produce atom bombs must have not only an extensive corps of junior and senior scientists but in addition it must have a highly developed technology and industrial apparatus. When it sets up such a two billion dollar industry with its 200,000 employees, that industry is controlled by the framework of the social organization of the country as well as by the kinds of goods manufactured and the methods of manufacture available to it. In such a context no one detail of an American process, obtained through espionage or otherwise, can have even the little importance that it had in the industry where it was developed. What is good American manufacturing practice may in Soviet hands be otherwise and vice-versa.

The purpose of this section is to show that the U.S.S.R. did in fact have the necessary scientists and technology for doing the job and that the principal reason that it could not make atom bombs during the course of the war was that all of its available manufacturing facilities were devoted to the more immediate necessity of producing well tested implements of war. It did not need any American "secrets" to produce a bomb.

That the U.S.S.R. has first rate scientists in this field may be demonstrated in several ways. One of these is to compare their discoveries in relation to our own. This is illustrated in the following table, which demonstrates, in the field of nuclear physics, simultaneity of discovery and development in the U.S.S.R. and in the U.S.A.

1) Theory of fission of the uranium nucleus:

N. Bohr and J. Wheeler - Physical Review, Volume 56, page 423 (1939) - from Denmark and the U.S.A., and

J. Frenkel, Journal of Physics, U.S.S.R., Volume I, page 125 (1939) - in the U.S.S.R.

2) Theory of the Pile

L. Fermi, and others in the U.S.A. - 1939 to 1940, reported in "Atomic Energy for Military Purposes", by H. D. Smyth, Princeton, 1945, and L. Felsdovich and L. P. Pitarov, Journal of Experimental and Theoretical Physics (USSR) Volume 9, page 1425 (1939) and Volume 10, page 29 (1940) in the USSR.

3) Theory of the Synchrotron

E. McMillan, Physical Review, Volume 68, Page 143 (1944) in the U.S.A., and

V. Veksler, Journal of Physics, USSR, Volume 9, page 153 (1945) in the USSR.

4) Operation of the Betatron

D. W. Kerst, Physical Review, Volume 60, page 47 (1941) (for earlier work) and Physical Review, Volume 68, page 233 (1945) in the U.S.A., and

J. Terletsky, Journal of Experimental and Theoretical Physics (USSR) Volume 11, page 96 (1941) and Journal of Physics (USSR), Volume 9, page 159 (1945) in the USSR.

5) Resonance Method for Nuclear Magnetic Moments

Purcell, Torrey and Pound, Physical Review, Volume 69, page 37 (1946), and Bloch, Hanson and Packard, Physical Review, Volume 69, page 127 (1946) in the U.S.A., and

V. Fainberg, Journal of Physics (USSR), Volume 9, pp. 211, 245, 477 (1945) in the USSR.

The idea of a monopoly in fundamental knowledge and fundamental theory is a most improbable one. Any advantage in time in the realm of theory is so temporary as to be considered non-existent. In the past, in periods long before the development of communications brought the world together, fundamental knowledge was developed more or less simultaneously, and was widely shared. Today this process has markedly accelerated.

The point must now be made that in the USSR there are scientists whose researches in fundamental problems are

of first-rate importance. There is also a competent corps of junior scientists in various fields who have made contributions as well. This is illustrated in the following admittedly incomplete table of papers from Soviet physicists and chemists in the field of nuclear physics:

1. A particular mode of fission of the uranium nucleus. - Chlopin, Fassvik - Chlopin and Folker - Nature, 144, 595 (1939).
2. Electro-capillary theory of splitting of heavy nuclei by slow neutrons - Frenkel - J. Exp. Theor. Phys. USSR 9, 641 (1939).
3. On the splitting of heavy nuclei by slow neutrons - Frenkel - Phys. Rev. 55, 987 (1939).
4. On some features of the process of fission of heavy nuclei. Frenkel - J. Phys. USSR. 10, 533 (1946).
5. Registration of uranium fission fragments with removal of background due to alpha particles emitted by uranium. - Perfilov - Comptes Rendus URSS 47, 623 (1945).
6. Chemical nature of the radioactive fragments of thorium fission. Radioactive halogens. - Polessitsky, Orbell and Nemewsky - Comptes, Rendus, URSS, 28, 15 (1940).
7. A new method of recording of particles of the type of uranium fragments by means of a photographic plate. - Perfilov - J. Phys USSR. 10, 1 (1946).
8. The first USSR cyclotron. - Eukavichnikov - Phys. Rev. 52, 1077 (1937).
9. Investigation of the phasing properties of the relativistic resonance accelerator. I. Synchrotron. II. Cyclotron with varying frequency of dee voltage (phasotron) - Rabinovich - J. Phys. USSR. 10, 523 (1946).
10. A new method of acceleration of relativistic particles - Veksler - C.P. URSS. 43, 329 (1944).
11. A new method of acceleration of relativistic particle. - Veksler - J. Phys. USSR. 9, 153 (1945).
12. Concerning some new methods of acceleration of relativistic particles - Veksler - Phys. Rev. 69, 244 (1946).
13. Solid body model of heavy nuclei. - Frenkel - Phys. Z. Sowjetunion 9, 533 (1936).
14. On the spectroscopy of heavy nuclei. II. Rotation and magnetic excitation levels of heavy nuclei in conjunction with soft gamma rays - Frenkel - J. Phys. USSR 4, 493 (1941).
15. Collisions of deuterons with heavy nuclei - Lifschitz - Phys. Z. Sowjet. 13, 224 (1938).

16. Quadrupole and dipole gamma radiation of nuclei - Migdal - J. Phys. USSR. 8, 331 (1944).
17. Directional distribution in beta decay - Predmostnikov - Phys. Z. Sowjet 13, 32 (1938).
18. Beta radioactivity and nuclear forces. Phys. Z. Sowjet 10, 567 (1936).
19. Constitution of atomic nuclei - Iwanenko - Comptes Rendus Paris 195, 439 (1932).
20. The dipole character of the meson, etc. - Iwanenko and Sokolow - J. Phys. USSR. 6, 175 (1943).
21. Statistical theory of nuclei - Landau - Phys. Zeit - Sowjet-union, 11, 556 (1937).
22. On the interpretation of beta disintegration data - Alichanian and Berestozky - Physical Rev. 55, 927 (1938).
23. Binding energy of the atomic nucleus and alpha decay. - Cherdynzev - Phys. Z. Sowjetunion 13, 170 (1938).
24. Ionization of the atom due to beta decay - Feinberg - J. Phys. USSR 4, 423 (1941).
25. On the four pole beta spectrograph - Korsunsky - J. Phys. USSR. 9, 14 (1945).
26. The Geiger-Mueller counter with a hollow anode - Mikhalevas - J. Phys. USSR. 10, 296 (1946).
27. Energy of conversion electrons arising in the transformation of bromide isomers - Roussinow and Yusephovich - Comptes Rendus URSS 24, 129 (1939).
28. On nuclear isomers with long life time - Roussinow and Igel'nitski - Comptes Rendus URSS 47, 333 (1945).
29. Long-Period radioactivity in Ag, (and inactivated by slow neutrons - Alexeeva - Comptes Rendus URSS 18, 553 (1938).
30. Energy spectrum of positive electrons ejected by radioactive nitrogen - Alichanov, Alichanian and Dzelepov - Nature 133, 950 (1934).
31. Artificial radioactivity by neutron bombardment - Kurt-Schatow, Latyschew, Kekenov and Gelinow - Physikalische Zeitschrift der Sowjetunion 6, 569 (1935).
32. Properties of electrons and mesons in the classical approximation - Galanin - J. Phys. USSR. 6, 35 (1943).
33. Hyperfine structure of secondary x-ray spectra - Krasnikov - Comptes Rendus URSS 49, 337 (1945).
34. Proper masses and magnetic moments of elementary particles and the Wentzel-Dorae x process - Varkov - Comptes Rendus, URSS 47, 177, (1945).

35. Coherent scattering of gamma rays of nuclei - Akhiezer and Pomerantschuk - Phys. Kalische Zeitschrift der Sowjetunion 11, 478 (1937).
36. On the scattering of low energy neutrons in helium - Akhiezer and Pomerantschuk - J. Phys. USSR. 9, 461 (1945).
37. Scattering of relativistic electrons through large angles - Alichanian, Alichanow and Weissenberg - J. Phys., USSR 9, 280 (1945).
38. An equation for the scattering of particles, taking into account the reaction of emission - Plokhintsev - Comptes Rendus USSR 53, 201 (1946).
39. On nuclear scattering of mesotrons - Sineberg - J. Phys. USSR. 10, 298 (1946).
40. Scattering of neutrons by protons - Goloborodko - J. Phys. USSR. 8, 13 (1944).
41. On the theory of scattering of protons by protons - Landau and Smorodinsky - J. Phys. USSR 8, 154 (1944).
42. The scattering of fast electrons - Kulchitsky and Latyshev - J. Phys. USSR 5, 249 (1941).
43. Transfer of neutrons between nuclei in heavy nuclei in collisions - Lifschitz - Journal of Experimental and Theoretical Physics, USSR 9, 237 (1939).
44. Scattering of slow neutrons in a crystal lattice, Pomerantschuk - Physikalische Zeitschrift der Sowjetunion 13, 65 (1938).
45. Nuclear scattering of electrons in thin metallic films. I. - Petukhov and Vyshinsky - J. Phys. USSR 4, 234 (1941).
46. The effect of long-range order in alloys on the scattering of slow neutrons - Spirnev and Vonsovsky - J. Phys. USSR 5, 262 (1941).
47. On the scattering of neutrons by protons - Smorodinsky - J. Phys. USSR 8, 219 (1944).
48. Scattering of mesons taking into account - S. Kolon - J. Phys. USSR 5, 221 (1941).
49. Threshold value for nuclear excitation of Indium-115 by x-rays - Korsunsky - Comptes Rendus USSR 25, 124 (1940).
50. An investigation of "Bremsstrahlung" by means of excited Indium-115 nuclei - Korsunsky, Zolther, Ivanov, Zepkin and Ganenko - J. Phys. USSR 7, 122 (1943).

51. Chemical investigation of short-lived artificial radio-elements - Polossitsky - Physikalisches Zeitschrift der Sowjetunion 12, 332 (1937).
52. Beta spectra of artificially produced radioactive elements Allichanow, Allichanien and Tarlepor - Nature 135, 257 (1935).
53. Gamma rays from radioactive iodine - Pak and Nikolaevskaya - Comptes Rendus USSR 22, 312 (1939).
54. Internal conversion of gamma rays from K⁴⁰ - Constantinov and Latyshev - J. Phys. USSR 5, 239 (1941).
55. Formation of pairs in gases by gamma rays from ThC - Grosher - J. Phys. USSR 5, 115 (1941).
56. The recoil electron spectrum of gamma rays from Thorium active deposit - Latyshev and Kulchitsky - J. Phys. USSR 4, 515 (1941).
57. Angular distribution of phot-neutrons from beryllium - Goloborodko and Rosenkewitsch - Phys. Z. Sowjetunion 11, 78 (1937).
58. Slowing down of neutrons by nuclei of heavy elements - Lukinsky and Couva - C R URSS 3, 411 (1936).
59. On the absorption of fast neutrons by heavy nuclei - Mescheryakov Comptes Rendus URSS 43, 555 (1943).
60. Passage of fast neutrons through beryllium - Russinow - Phys. Zeit, Sowjetunion 10, 219 (1936).
61. On the frequency of even and odd atomic nuclei - Gherdynzev - Comptes Rendus URSS 33, 22 (1941).
62. Angular distribution for the interaction of mesons with nuclei - Feinberg - J. Phys. USSR 5, 177 (1941).
63. Movement of the meson in a homogeneous magnetic field - Galanin - J. Phys. USSR 6, 27 (1943).
64. Theory of interaction of mesons with the electromagnetic field - Ginsburg - J. Phys. USSR 5, 47 (1941).
65. On the determination of symmetry of nuclear spin functions - Godnen - Comptes Rendus URSS 43, 194 (1944).
66. Energy levels of a heavy nucleus. Gurevitsch - Phys. Zeit. Sowjetunion 12, 439 (1937).
67. Pair production at beta disintegration - Tisza - Phys. Zeit. Sowjet. 11, 425 (1937).

Related areas of work by Soviet scientists include the construction of large electrical installations, like a 4.5 million volt van de Graaf electrostatic generator in 1937,

and several cyclotrons. There is in addition the work of A. E. Brodsky, a member of a commission set up by the Soviet Government in 1937 to accelerate research on isotope separations. Brodsky has published work on the separation of heavy water, on a theory of isotope separation by thermal diffusion in cascade processes, and (in 1942) made an estimate of the power which might be required for the separation of uranium 235 from the other uranium isotopes by thermal diffusion of the hexafluoride. The references follow:

Brodsky and Skaare, Journal of Physical Chemistry (U.S.S.R.), Volume 13, page 51 (1939), and Acta Physicochemica, Volume 10, page 729 (1939). Papers on the separation of heavy hydrogen and oxygen by Thermal diffusion.

A. E. Brodsky, Journal of Applied Chemistry (U.S.S.R.) Volume 13, page 670 (1940). Paper on various methods of preparing heavy water.

A. E. Brodsky, Acta Physicochemica, Volume 17, page 224 (1942). Paper on estimated costs for the separation of uranium isotopes by thermal diffusion of uranium hexafluoride (the process used at Oak Ridge). It should be realized that this paper was published at a time when such material was handled as secret matter in the U.S.A.

Similar accounts can be drawn up for other fields—physical chemistry, organic chemistry, electrical, mechanical and civil engineering, applied and fundamental mathematics.

A conclusion which must be drawn from this account is that before the war there was a sufficient number of competent Soviet theoretical and experimental scientists so that independent development of the necessary nuclear theories could have been expected; so that simultaneous development was quite likely, and so that a serious lag behind other countries was so improbable as to be almost

impossible.

If we recognize these elementary facts that

(a) The U.S.S.R. had the staff for bomb manufacture and that

(b) The U.S.S.R. had the plant or had the potentiality to build the plant required

then it follows that they needed no help from us. The idea, commonly held, that without the activity of atomic spies, the Soviet Union would not now and, for many years to come, be able to make a bomb is seen to be one of wildest fancy. It is an idea held by none of leading American scientists who directed this great effort.

III. THE EXPLOSIVE LENS IN THE ATOMIC BOMB

Dr. Walter S. Koski, a Government witness, testified during the trial (R. 656-683) that a converging force wave was used to bring together the critical mass of the bomb with the required speed (R. 660). He applied the term "Implosion" to these converging waves (R. 673), and testified that these processes were not previously known. He said that "there was no information in text books or technical journals on this particular subject."

This testimony is incorrect. We shall show that:

- 1) The general idea was used in the Middle Ages;
- 2) An important variant was published in 1888;
- 3) A number of patents were issued on applications of the idea during the last forty years;
- 4) One particular device invented in 1941 or earlier is very much like the explosive lenses described in the trial, and
- 5) The theory and practice of convergent shock waves was widely understood in the U.S.S.R. before 1945,

A. THE HISTORY OF THE GENERAL IDEA OF A CONVERGENT SHOCK WAVE

In medieval times a military device was used which was known as the petard. This consisted of a bell-shaped container into which an explosive charge was inserted. The mouth of the bell was then placed against the wall of a fortification. When the charge was detonated, a powerful force wave emanating from the bell mouth would punch a hole in the fortifications. The unusually destructive action of the petard arose from the fact that the container held the explosive at the face of the fortification for a time interval. This interval was small, but was sufficient to give focusing and direction to the blast.

The device is described in the New English Dictionary, Clarendon Press, Oxford, England (1905 edition). The earliest reference given is in the year 1580.

A more advanced form of the petard as a missile was developed in the United States by Joseph H. Church and Wilfred E. Thibodeau approximately ten years ago. They later filed a patent application on April 23, 1911 which was subsequently granted a U. S. Patent 2,412,967. Their design was based on theoretical considerations about focused force waves which had been previously outlined in a German explosives journal (Zeitschrift für das gesamte Schiess und Sprengstoffwesen, May 15, 1914, pages 163-167).

B. THE VARIANT OF MINROE

The petard uses a container to focus the shock wave of the explosion. It is possible to mold the explosive itself into shapes which, upon detonation, directly produce focused shock waves. Such devices are called hollow charges, shaped charges, explosive lenses, and other similar names.

The basic principle of these shaped charges appears to have been known in Europe during the eighteenth century. In the United States it is known as the Munroe effect, taking its name from Professor C. E. Munroe, who discovered it when he was working at the U. S. Naval Torpedo Station and War College from 1886 to 1892.

The effect was publicly described by Munroe in articles written for Scribner's Magazine (Volume 3, pages 563-576 (1888) and in the Popular Science Monthly (Volume 56, pages 453-454 (1900)).

C. PATENTS BASED ON THE MUNROE EFFECT

The Munroe effect is the basis of a number of devices described in the earlier patent literature:

German Patent # 12,119 (1881), where the principle of obtaining an increased penetrating effect by coning or recessing the face of a detonating charge is described.

British Patent # 28,030 (1911). The effect is employed in the explosive charge of a projectile fired from a gun.

U. S. Patent # 1,440,601 (1923) where the convergent force effect is rediscovered by J. R. Holman apparently without knowing of Munroe's work.

U. S. Patent # 1,534,001 (1925) in which a focused charge is used in the percussion fuse of a shell.

U. S. Patent # 1,810,000 (1931) which describes and illustrates principles of the focused charge in relation to boosters for use in exploding shells, bombs, grenades, torpedoes, etc.

In addition, before 1943 there were filed and processed to varying degrees patents based on this principle which related to shells (U. S. 2,426,997, U. S. 2,413,680, and U. S. 2,579,323), to the boring of holes in pipes and casings (U. S. 2,399,211), the cutting of holes in plates (U. S. Re. 23,211), bazooka type projectiles for puncturing

armor (U. S. 2,427,959 and 2,441,388), and the use of convergent force waves for driving masses of metal at high velocity (British 613,613 and U. S. 2,407,261).

D. EXPERIMENT OF R. W. WOOD.

In a paper published in the Proceedings of the Royal Society (A 157, 249-261 (1936)) this author reports the application of convergent force waves to the explosive compression of metal sheets or plates into spherical masses. He investigated the way this occurs following detonation of his shaped charge. He followed step by step the action of the force wave in causing the sheet of metal to flow into a spherical form. He devised simple experimental techniques for studying these rapid processes. All in all he anticipated and solved the problem of the explosive assembly of bomb metal. His work clearly provides the understanding that led Mahaupt to reduce this process to commercial practice.

E. THE MOHAUPT PATENT

It will be recalled that the principle of the Nagasaki bomb design was that of compacting a mass of metal of critical size at high velocity. The details for doing this were allegedly given by Greenglass to Harry Gold, and were believed to be of a secret nature. Even this development is anticipated in the patent literature in an application filed in 1941 by Henry Hans Mohaupt and assigned by him to a Swiss corporation in Fribourg, Switzerland. The company involved was the Societe Anonyme de Gestion et d'Exploitation de Brevets.

In this patent (U. S. 2,419, 414) a shaped charge is used to compact metal into a precise rod shaped mass. The metal is initially in the form of a ring located at the interior wall of a cylindrical container. Because of the

focused shock wave of a shaped charge this ring collapses and is reassembled in the rod-shaped mass alluded to above. The metal is also liquified by this process, and accelerated to a velocity in excess of 16,000 feet per second.

It is obvious that a high level of understanding of shaped charge theory was utilized in this device. Further evidence of this understanding becomes apparent from inspection of the sketches of the projectile. It will be seen that the cross-sectional shape of the ring is triangular; there is use of a metal cone for the shaped charge and there is use of a hollow cylinder for a further focusing guide effect. These are all indications of the high level of understanding of this explosives expert.

Except for the fact that the Mohaupt ring was made of steel rather than uranium 235 or plutonium 239 and that he started and ended with somewhat different shapes than may be required for the atomic bomb, the essential features of metal compaction are here outlined and are public knowledge more than three years before the atomic bomb work of the Los Alamos group.

P. DETONATION THEORY AND PRACTICE IN THE U.S.S.R.

In 1925 M. Ya Sukharevsky published two papers, entitled "Study of the Possibility of Increasing the Lasting Power of Explosive Materials by Means of Cumulative Shock Waves". These papers, which dealt with what is called the Munroe Effect in the United States, were published in the January and February, 1925, issues of Tekhnika i Obratnoye Vozrozhdeniye, which is a popular Red Army ordinance journal. On page 16 of the January article are included diagrams of shaped charges in different forms. The effects resulting from detonation are indicated. It must be realized that these articles were published years before the vast technological development of the U.S.S.R.,

in the formative years of the Red Army.

Repeated references to shaped charges and their uses appear in the Soviet technical literature. Thus, in 1933 N. A. Sokolov in his text, "Course in the Theory of High Explosives", presented to students methods of calculation of the effects of cumulative charges.

In 1942, G. I. Pokrovsky (in "Directed Action of Charge") gave various practical situations, and indicated the expected increase in explosive force (see also Doklady, Volume 16, P. 106 (1945).)

Extensive work in this field for removal of surface rock has been carried out by the Institute of Mining Affairs of the Academy of Science of Moscow and by the Kirghiz Academy of Science.

Among the more recent text-books in which this subject is discussed are the following:

Dynamics of Explosive Waves, by P. Savich
(V. I. A. Moscow 1941)

Basic Calculations of Charges, by G. I. Pokrovsky
(Mining Institute, Academy of Science, Moscow).

Experimental Investigations of the Mechanical Action of Shock Waves from Explosions, by Sadovsky (Publishing House, Academy of Sciences, Moscow, 1945).

Basic Dynamics of Explosives, by O. E. Vlasov
(Publishing House, Academy of Science, Moscow, 1945).

Much of this practical work was in turn based upon many important developments of theory which occurred in the Soviet Union. To cite a few instances here:

One of the main methods for calculating shock wave interactions the so called Hodo-graph method, was invented by the Russian, S. H. Chaplygin (On Gas Jets, Scientific Annals, Univ. of Moscow, Phys-Math Division #21,

Moscow 1904).

The study of shock point interactions for supersonic flow which is very pertinent theory in this field of force waves has been extensively developed in the U.S.S.R. The theory which was worked out internationally developed in stages. First order perturbation theory was developed by Ackeret (Helvetica Phys. Acta (1928). Second order perturbations were developed by the German Buseman, while the third and fourth order theory was developed by A. Donov, Izvestia Akad. Nauk, S.S.R. Ser. Math. 1939).

The great theoretical physicist L. Landau has done extensive work in the fields of solid state theory, general field theory, nuclear physics and on shock waves. His papers on spherical shock waves (Akad. Nauk S.S.R. Fizikal'ski Zhurnal 6, 229 (1942) and Akad Nauk S.S.R. Doklady, 44, 139 (1944) are considered outstanding in the United States.

From this brief literature survey it is clear that implosion theory and practice are not new in the U.S.S.R. However, the additional point must be made that there are scientists in the U.S.S.R. who have published outstanding papers in the fundamental chemistry, physics and mathematics of explosions and chain reactions. Thus, Professor C. N. Hinshelwood, F.R.S. of the University of Oxford, himself one of the outstanding authorities in the kinetics of reactions, has the following to say (Nature, Volume 156, page 283 (1945):

"The Institute of Academician Semenov, recently transferred from Leningrad, houses a school of workers who, under the inspiration of their chief, have made one of the most characteristic of the Russian contributions to modern

Zeldovich (together with J. Khariton) developed the theory of the chain reaction accompanying fission, and made a calculation of the critical mass required. There is also presented the first published detailed account of the theory of the pile (Journal of Experimental and Theoretical Physics (U.S.S.R) Vol. 9, 1425 (1939) and Vol. 10, page 29 (1940). If an explosion expert is simultaneously working on the problem of the chain reaction in uranium as far back as 1940, it is reasonable to expect that several practical methods of achieving atom-bomb detonation will have occurred to him before 1945.

Finally, the mathematical theory which specifically relates to explosion waves must be considered. The specific name for the general branch of mathematics which applies to these processes is non-linear differential equations. The work of the Jukovsky Institute in Moscow has projected Soviet mathematics into a leading world position in this particular field.

IV. CONCLUSIONS

Based upon the preceding documentation the following conclusions may now be drawn:

1) Portions of the testimony of the Government witness Walter S. Koski were not true. The theory of convergent force waves was not discovered and developed at Los Alamos but has been known for more than a century.

2) The essential idea allegedly transmitted by David Greenglass to the U.S.S.R. was the use of explosive lenses to rapidly compress the fissionable metal. This principle also had previously been reduced to practice, and was public knowledge, having been filed as a U. S. patent application in 1941. In addition, R. W. Wood had as early

physical chemistry, namely, the intensive study in all their aspects of the phenomena of flame, combustion and explosions. The work of Semenov on the theory of branching reaction chains and the interpretation of explosion limits, thermal and non-thermal explosions, degenerate explosions and so on, is too well known to need description. Some of the more recent work has included ingenious studies of the way in which chemical reactions may be initiated upon a solid surface and propagate themselves into the whole volume of the material.... It would be extremely difficult in a short account to mention individual workers; but perhaps I might remark how illuminating I found the contributions of Zeldovich on the fascinating but extremely difficult problem of the rate of propagation of flame through combustible mixtures. This subject is of the greatest practical importance and of considerable theoretical interest, and the recent contributions maintain the traditions of the Semenov school."

The physical chemist Zeldovich who is referred to by Hinshelwood is the author of several outstanding papers on detonation--viz. Journal of Experimental and Theoretical Physics, U.S.S.R., Volume 12, page 389 (1942) and, with Leipunsky, Journal of Experimental and Theoretical Physics, U.S.S.R., Volume 13, page 181 (1943). In the first paper, Zeldovich reported the study of pressure distribution accompanying a spherical shock wave in chain reactions. In the second paper the authors obtained by the initiation of a chain reaction producing a shock wave, temperatures more than seven times that of the surface of the sun. They described their apparatus in detail.

Parenthetically, it should be noted that the same

as 1936 demonstrated that spheres of metal may be made by the compression of sheets or plates of metal with convergent force waves.

3) The use of explosive lenses was a well-developed art in the U.S.S.R. prior to the date of the alleged act and the theory and practical details of this art were widely published in its technical journals.

4) The idea of the detonation of fissionable materials was widely discussed in Soviet scientific journals prior to any of the alleged acts.

5) The "secret" which David Greenglass allegedly transmitted to the U.S.S.R. was no secret at all to any explosive expert.

6) The ability of any country to produce an atomic bomb rests upon its ability to mobilize the hundreds of thousands of scientists, technicians and laborers and its ability to make available the vast industrial plant required. It does not rest on stealing the "secrets" of the United States.

7) The ability of the Government to classify as secret well-known scientific and technological matter has tended to create dangerous illusions of American discovery and monopoly of knowledge in the field of atomic energy.

In connection with the matter set forth herein above, the petitioners annex, make a part hereof, and mark "Exhibit F", the affidavit of John Desmond Bernal, duly sworn to before a Vice-Consul of the United States in London, England, on November 12, 1952.

TWENTY-SECOND: As a matter of law, by reason of the foregoing, no crime was committed and the Court was without jurisdiction to impose the sentence.

TWENTY-THIRD: The petitioners herein, from the time of their arrest to the present, have at all times insistently asserted their innocence of the crime charged. The evidence upon which they were convicted and sentenced to death--the testimony of accomplices bound together by thin strands of circumstantial evidence--was always suspect.

The matters set forth in this petition establish that the Government abused the processes of justice and unconscionably invaded the fixed rights of these petitioners, to procure their conviction and, ultimately, the sentence forfeiting their lives. The entire proceeding is manifestly a product of fraud and untruth. It writes a dark page in the annals of American jurisprudence, and casts the shadow of Dreyfus over the heritage of American justice.

TWENTY-FOURTH: The petitioners are unjustly, unlawfully and illegally confined in violation of the Fifth and Sixth Amendments to the Constitution of the United States, and the Court was without jurisdiction to impose the aforesaid sentence upon them.

TWENTY-FIFTH: On or about November 21, 1952, Hon. Irving R. Kaufman, the sentencing judge in this proceeding, made and entered an order directing the United States Marshal for the Southern District of New York to execute the sentence imposed by the foresaid judgment dated April 15, 1951, by executing the petitioners on a day during the week commencing January 12, 1953.

TWENTY-SIXTH: Unless the relief requested herein is granted, the petitioners will suffer irreparable and irrevocable harm.

TWENTY-SEVENTH: No previous application has been made for the relief herein requested.

WHEREFORE, the petitioners ask the judgment of this Court that an order be made and entered:

- 1) that the respective sentences of the petitioners be vacated and set aside and the petitioners discharged from detention and imprisonment; or
- 2) in the alternative, that a hearing upon this petition be granted to determine the issues and make findings of fact and conclusions of law with respect thereto; and upon such findings, to vacate and set aside the respective sentences of the petitioners, and discharge them from detention and imprisonment; and
- 3) that pending the determination of these proceedings, the United States of America or any agent or agency thereof be stayed from executing these petitioners, pursuant to the judgment dated April 5, 1951 and the order hereinabove referred to, made and entered herein November 21, 1952; and from proceeding in any manner or from taking any steps to or tending to the execution of the aforesaid judgment or order;

and for such other and further relief as to this Court may seem proper.

EMANUEL H. BLOCH
EMANUEL H. BLOCH
Attorney for Petitioners

Dated: November 24, 1952

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

EMANUEL H. BLOCH, being duly sworn, according to law, deposes and says that he is the attorney for the petitioners above-named and that the facts set forth in the foregoing petition are true.

EMANUEL H. BLOCH

Sworn to and subscribed
before me this 24 day of
November, 1952.

NOTARY PUBLIC
Notary Public for the State of New York
No. 127103
City of New York
Cert. Held in N.Y. Cl. 5 Reg. 04
Commission Expires March 30, 1953

GREAT BRITAIN:)
ENGLAND:) S. S.
COUNTY OF LONDON:)

Exhibit C

JAMES GERALD CROWTHER of 2 Mytre Court Johns Mews John Street W. C. 1. in the County of London England being duly sworn deposes and says:

1. That he is a scientific writer; that he gained an exhibition in Mathematics and Physics at Trinity College in the University of Cambridge; that he is at present engaged in revising a work on scientific discoveries; that he is the author of 16 books on the history of Science and the social relations of Science including in particular the works known as "Famous American Men of Science" "British Scientists of the Nineteenth Century" "British Scientists of the Twentieth Century" "The Social Relations of Science" and other works; that various of his books have been translated into French German Spanish Arabic Portuguese and Chinese; that in the year 1928 he was appointed Scientific Correspondent of the newspaper "The Manchester Guardian"; that in the year 1937 at the invitation of the President of Harvard University in the United States of America - Doctor James B. Conant - he delivered at that University a series of six lectures on the History of Science in America; that towards the end of World War I - namely in 1918 - he took part in early British research into anti-aircraft gunnery for the Munitions Inventions Department of H.M. Government; that during and after World War 2 - namely from the year 1941 to the year 1946 - he was Director of the Scientific Department of the British Council which is an official body under the auspices of the British Government and answerable to the British Foreign Office; and that he is a British Subject by birth.

2. That for the purpose of his writings the said James Gerald Crowther has had occasion to interview many scientists - some of great eminence - for the purpose of ascertaining their recollection of certain scientific matters in which they were engaged at a distance of years; that he found sharp divergences of recollection as between one scientist and another and that his experience in this field of work has especially qualified him to form judgments as to the value and reliability of recollections in scientific matters of any particular individual in any particular circumstances.

3. That he has read a transcript of the testimony of David Greenglass as well as that of Walter Koski and John A. Derry in the case of the United States against Julius Rosenberg and Ethel Rosenberg and that he has noted therefrom the technical and scientific qualifications and background of the said David Greenglass.

4. That it is his opinion that it would have been impossible for the said David Greenglass to have reproduced in any detail in the years 1950 or 1951 replicas of lens molds sketches last seen by the said David Greenglass five years previously relying solely on memory and without any outside aid or assistance; that it is his opinion that it would have been impossible for the said David Greenglass to have reproduced in any detail in the years 1950 or 1951 replicas of a schematic drawing on an experiment or implosion effects utilizing high explosive lenses together with appropriate descriptive material last seen by the said David Greenglass five years previously relying solely on memory and without any outside aid or assistance; that it is his opinion that it would have been impossible for the said David Greenglass to have reproduced in the years 1950 or 1951 a reliable replica of a sketch of a cross section of the Nagasaki type of atom bomb together with twelve

pages of matter explaining the functions and workings of such bomb and its component parts the said sketch having been last seen by the said David Greenglass five years previously and the said David Greenglass relying for the reproduction solely on memory and without any outside aid or assistance.

5. That the said James Gerald Crowther having read the transcript of the said testimony of the said David Greenglass is of the opinion that the testimony so far as it relates to ~~technical matters and to~~ the witness' recollection of technical matters taking place five years previously is valueless.

JGC
K.L.S.
Not. Pub.

Subscribed and sworn to)
before me this sixth day)
of November, 1952)

James Gerald Crowther

Kenneth L. Steward

(SEAL)

A Notary Public of London, England

GREAT BRITAIN AND NORTHERN IRELAND
LONDON, ENGLAND
EMBASSY OF THE UNITED STATES OF AMERICA

SS:

I, Edward L. Killham, Vice Consul of the
United States of America residing at London,
England, do hereby make known and certify to all
whom it may concern that

KENNETH LIVINGSTON STEWARD

who has signed the annexed certificate, was in fact
a Notary Public at the time the annexed certificate
purports to have been made; that I have compared the
signature of said

KENNETH LIVINGSTON STEWARD

upon the original annexed certificate with a specimen
of his signature filed in this Embassy; that I believe
his signature to be genuine; that I have compared the
impression of the seal affixed thereto with a specimen
impression thereof filed in this Embassy; and that I
believe the impression of the seal upon the said
original annexed certificate to be genuine.

IN TESTIMONY WHEREOF I have
hereunto set my hand and
affixed my seal of office at
London aforesaid this Sixth
day of November in the year
of our Lord one thousand
nine hundred and fifty-two.

(SEAL)

Edward L. Killham
Edward L. Killham,
Vice Consul of the United States
of America at London, England.

SERVICE NO. : 7313

Fee \$2.00 14s.8d.

American
Foreign Service
\$2.00
Fee Stamp

Great Britain & Northern Ireland)
County of Lancaster)
City of Manchester) SS
Consulate of the United States)
of America)

EXHIBIT D

I, James R. Riddle, Consul of the United States of America residing at Manchester, England, do hereby make known and certify to all to whom it may concern that

WILLIAM LECH EGERTON EGERTON-SMITH

who has signed the annexed certificate was in fact a Notary Public at the time the annexed certificate purports to have been made, and that I have compared the signature of the said

WILLIAM LECH EGERTON EGERTON-SMITH

upon the original annexed certificate with a specimen of his signature filed in this Consulate; that I believe his signature to be genuine; that I have compared the impression of the seal affixed thereto with a specimen impression thereof filed in this Consulate; and that I believe the impression of the seal upon the said annexed original certificate is genuine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal of office at Manchester aforesaid, this 10th day of November, 1952.

James R. Riddle

(SEAL)

James R. Riddle.

Consul of the United States
of America at Manchester, England

American
Foreign Service
\$2.00
Fee Stamp

Fee \$2.00 equal to 14s.8d

Service no. 1984

TO ALL TO WHOM these presents shall come
I, WILLIAM LEGH EGERTON EGERTON-SMITH,
NOTARY PUBLIC, duly authorized, admitted and sworn,
and practising in Manchester, in the County of Lancaster,
in the United Kingdom of Great Britain and Northern
Ireland, do hereby certify that I was present on the
tenth day of November instant and did see Thomas Reeve
Kaiser duly sign the paper writing or Affidavit hereunto
annexed that the name "T.R. Kaiser" thereto subscribed
is of the proper handwriting of the said Thomas Reeve
Kaiser that the name "W.L.E. Egerton-Smith" thereto
subscribed is of the proper handwriting of me the
Subscriber and I do also certify that the Affidavit
was properly sworn before me in accordance with and is
legally effective and valid according to the laws of
England.

(SEAL)

IN TESTIMONY whereof I have hereunto
subscribed my name and affixed my seal
of office this tenth day of November
in the year of our Lord 1952

W. L. E. Egerton-Smith
Notary Public
Manchester
England

re: JULIUS ROSENBERG and ETHEL ROSENBERG

AFFIDAVIT By THOMAS REEVE KAISER sworn at
Manchester England on the Tenth day of
November 1952.

I THOMAS REEVE KAISER Research Fellow in the
University of Manchester England make Oath and
say as follows:

1. I hold the following qualifications:-
Bachelor of Science (First Class Honours);
Master of Science (First Class Honours) each
in the University of Melbourne.
Doctor of Philosophy in the University of
Oxford.

Associate of the Institute of Physics
(Great Britain).

2. My experience is as follows:-

Since graduating in 1943 from the University
of Melbourne I have been engaged in full time
research in various fields of Physics. During
the recent war and until the middle of 1947 I
was employed by The C.S.I.R. Radiophysics
Laboratory, Sydney Australia. Initially my work
was in the field of Radar Counter Measures and
subsequent to 1944 I was in charge of research on
and development of Radar Aerials. I went to
Clarendon Laboratory Oxford University in 1947
and there worked in the Nuclear Physics group,
being particularly concerned with the theory and
practice of the acceleration of particles to
high energies. In October 1950 I was appointed
a Research Fellow at the Manchester University.

My contribution in the above fields of Physics include joint authorship of "A Text Book of Radar" (Chapman and Hall, 1948) and various papers dealing with theoretical and experimental aspects of Nuclear Physics and Radio Astronomy.

3. I have read the transcript of the testimony of David Greenglass, of Walter Koski and John A. Derry upon the trial of Julius Rosenberg and Ethel Rosenberg. The portions of such transcript read by me are now produced and shown to me marked TRK 1 TRK 2 and TRK 3 and annexed hereto.

4. I have been asked to provide answers to nine questions. In the following paragraphs I set out the said questions and my answer thereto.

5. Question 1. Could a person of Greenglass's background and experience have produced drawing solely from memory in 1944 and 1945 sketches of the lens molds he allegedly turned over to Rosenberg (and Gold)?

Answer 1. It is conceivable that in 1944 and 1945 the said David Greenglass could have reproduced from memory sketches of simple pieces of equipment which he had constructed, or was in the process of constructing, in his capacity as a machinist.

6. Question 2. Could a person of Greenglass's background and experience have produced in 1950 and 1951 replicas of the sketches of the lens mold he allegedly turned over to Rosenberg (and Gold) in 1944 and 1945 drawing solely from memory and without any outside aid or assistance or coaching?

Answer 2. It is improbably that the said David Greenglass could reproduce, in any detail, such sketches after a lapse of five or six years and relying solely on his unaided memory.

7. Question 3. Could you, as a trained scientist, drawing solely from memory, produce a replica of the sketch of the lens mold five or six years subsequent to having terminated work or other connection with such a problem?

Answer 3. I have considered this question in relation to my own researches. While I could without difficulty produce sketches outlining the principles involved in developments in which I participated some five or six years ago I could not do more than this without reference to notes made at the time. For example, without reference to such notes I could not make detailed drawings of specific equipments. I certainly could not, without reference to notes, make a replica of the sketches of any specific apparatus.

8. Question 4. Could a person of Greenglass's background and experience have produced in 1945 drawing solely from memory and without any aid or assistance from any person or technical or scientific source a schematic drawing of an experiment on implosion effects utilizing high explosive lenses, plus appropriate descriptive material (described by Greenglass as showing "a schematic view of the lens mold set up in an experiment")?

Answer 4. It is possible that any person working in or visiting a scientific laboratory could reproduce sketches and written material describing his impressions of the apparatus and experiments. Having had the experience of reading newspaper articles dealing with scientific work, written by non-scientific reporters after a visit to a laboratory, I am emphatic in saying that such material could only be accurate and of any value if the person concerned was scientifically trained in the appropriate field of science.

9. Question 5. Could a person of Greenglass's background and experience have produced in 1950 or 1951 replica of the sketches of the schematic drawing mentioned in "4" above which he allegedly turned over to Gold in 1945, drawn solely from memory and without any outside aid or assistance or coaching?

Answer 5. It is improbable that the said David Greenglass could reproduce in any detail such sketches after a lapse of five or six years and relying solely on his unaided memory.

10. Question 6. Could you, as a trained scientist, drawing solely from memory, produce the replica of a sketch of such a schematic drawing, five or six years subsequent to having terminated work or other connection with a technical problem of such complexity?

Answer 6. I make the same answer to this question as to Question 3.

11. Question 7. Could a person of Greenglass's background and experience have produced in 1945 a sketch of a cross-section of the Nagasaki type of atom bomb together with twelve pages of matter explaining the functions and workings of such a bomb and its component parts, drawing solely from memory and without the aid or assistance of any person or written matter or technical or scientific sources of coaching?

Answer 7. The material (drawings and written) referred to in this question and in Question 8 is considerably more extensive than that referred to in the earlier questions. It is inconceivable that a man in the position of the said David Greenglass, without specialist training and experience, could have accomplished this feat in 1945.

12. Question 8. Could a person of Greenglass's background and experience have produced in 1951 a replica of the sketch of a cross-section of the Nagasaki type of atom bomb together with twelve pages of matter explaining the functions and workings of such bomb and its component parts, drawing solely from memory and without the aid or assistance of any person or written matter or help from any technical or scientific sources of coaching?

Answer 8. I repeat my answer to the previous question and say that it is likewise inconceivable that the said David Greenglass could have reproduced the matter in question in 1951 without the aid or assistance of any person or written matter or help from any technical or scientific sources.

13. Question 9. Could you, as a trained scientist, produce a sketch of a cross-section of this type of atom bomb together with the appropriate explanatory matter, drawing solely from memory alone five or six years subsequent to having terminated work or any connection with a technical problem of such complexity?

Answer 9. In answer to this question I repeat my answer to Question 3, extending my answer to Question 3 to apply to written matter as well as to drawings.

SWORN at Manchester in the County
of Lancaster, England, this tenth day T. R. Kaiser
of November, 1952.

Before me,

W. L. B. Egerton-Smith

Notary Public.

REPUBLIC OF FRANCE, CITY OF PARIS
EMBASSY OF THE UNITED STATES OF AMERICA

BEFORE ME

EXHIBIT E

of the United States of America, duly commissioned and qualified,
personally came

JACQUES S. HADAMARD
of 12, rue Emile Faguet - Paris (France)

who, being duly sworn, deposes and says:

I am a Ph.D. in sciences, Paris University.
I have been a professor of Mathematics at the Collège de France
(Paris University) from 1897 to 1935 and am still an honorary
professor thereof.
I have been a professor of Mathematics at the Ecole Polytechnique
of Paris from 1912 to 1935 and am still an honorary professor thereof.
I am a member of the French Academy of Sciences.
Great-Officer of the Legion of Honor.
Moreover I am LL.D. Yale 1901 - Member of the National Academy of
Sciences of Washington (D.C.) - Member of the American Academy of
Sciences, Boston (Mass.) - Member of the National Academy of
Political Science (U.S.A.) - I was also elected Honorary Chairman of
the International Congress of Mathematics of Boston in 1950.
I also belong to numerous other foreign scientific bodies, including
the Royal Society (London).

I resided in the United States from 1941 to 1944 and have visited
there many times before and after this period. I have always been
closely connected with scientific educational and research circles
and can judge of Greenglass' competency in scientific matters from
his educational record.

I have read the transcript photographically reproduced of the
testimony of David Greenglass, as well as that of Walter Koski and
John A. Derry.

In the light of the above transcript and of my knowledge of scientific
matters, I state as follows:

From what I know of Greenglass' background, it seems
to me highly improbable that he could have reproduced
in any detail replicas of lens molds sketches after a
lapse of five years, relying solely on his unaided memory.

For the same reasons, it seems all the more improbable
to me that he could have reproduced, in detail, replicas
of schematic sketches of lens molds after a lapse of five
years, relying solely on his unaided memory.

It is inconceivable that Greenglass could have reproduced
replicas of a cross section of the Nagasaki type of bomb
plus explanatory matter after a lapse of five or six years,
relying solely on his unaided memory. It is more inconceivable
still that Greenglass could have given lengthy and detailed
explanations not only on the component parts of the
bomb, but also on their functions and workings: all things
he could not have any idea of and which nobody is alleged

to have given him even an idea.

Jacques S. Hadamard

Subscribed and sworn to before me
this 7th day of November 1952

Edith A. Stensby
EDITH A. STENSBY.
Vice-Consul of the United States
of America, at Paris, France.

Service No. 6917.
Tariff Item No. 2h
\$2.00 Fr. Frs. 720

American
Foreign Service

\$2.00

Fee Stamp

(SEAL)

E

GREAT BRITAIN AND NORTHERN IRELAND)
LONDON, ENGLAND) SS:
EMBASSY OF THE UNITED STATES OF AMERICA)

I, Edward L. Killham, Vice Consul of the United States of America residing at London, England, do hereby make known and certify to all whom it may concern that

KENNETH LIVINGSTON STEWARD

who has signed the annexed certificate, was in fact a Notary Public at the time the annexed certificate purports to have been made; that I have compared the signature of said

KENNETH LIVINGSTON STEWARD

upon the original annexed certificate with a specimen of his signature filed in this Embassy; that I believe his signature to be genuine; that I have compared the impression of the seal affixed thereto with a specimen impression thereof filed in this Embassy; and that I believe the impression of the seal upon the said original annexed certificate to be genuine.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal of office at London aforesaid this Twelfth day of November in the year of our Lord one thousand nine hundred and fifty-two.

Edward L. Killham

Edward L. Killham.

Vice Consul of the United States of America at London, England.

(SEAL)

SERVICE NO. : 7469

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Foreign Service
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EXHIBIT F

(Great Britain:
(England:
(County and City of London

S S.

JOHN DESMOND BERNAL of 21 Torrington Square London W.C.1.
England Professor of Physics BEING duly sworn deposes and
says as follows:

1. That he is Professor of Physics at Birkbeck College, University of London and had experience of the theory and practice of explosives in his capacity as Scientific Advisor to the Ministry of Home Security, 1939-1942, and to Combined Operations, 1942-1945.
2. That he has read the records contained in a transcript of the evidence given by David Greenglass on the 9th and 12th of March, 1951 in the case of JULIUS ROSENBERG and ETHEL ROSENBERG vs. the UNITED STATES OF AMERICA and, also, of the evidence given on 12th March 1951 by Walter S. Koski in the said case, and, in particular, with regard to the exhibits (2), (6) and (7) presented in the said case.
3. That, in his opinion, as a scientist with special knowledge of the physics of explosives, on the bases of the description of the said exhibits contained in the said records (i) notwithstanding the opinion of Walter S. Koski in his evidence (ff. 673 and 679 of the said transcript) the lenses which the said exhibits (2), (6) and (7) purport to represent do not involve the use of a new and original principle and (ii) notwithstanding the opinion of the said Walter S. Koski in his evidence (f. 672 of the said transcript) knowledge of the said lenses would not be of substantial advantage to a foreign nation.
4. That he bases his opinion expressed in paragraph 3(i) aforesaid on the following grounds -

The principle of the converging shock wave is not a new one. It has been utilised in practice as the hollow charge effect as far back as 1792. It was rediscovered by Admiral Munroe of the United States Navy in 1888, is known as the Munroe effect and was widely publicised at that time and later, for example, by Munroe himself in

- i. Scribner's Magazine, 1888, 3, 563-576.
- ii. Executive Document, No. 20, 53rd Congress, 1st Session, 1894.
- iii. Popular Science Monthly, 1900, 56, 453-454.

It was also known in other countries. A patent -

Brit. Patent 28,030, 1911. Westfällisch-Anhaltische Sprengstoff A.G. Improvements in explosive charges or bodies.

was taken out in 1911 by Neumann and the effect was described in standard books on explosives -

- iv. COLVER E. High explosives, 1916, pp. 490-493.
- v. STETTPACHER. A., Schiess and Sprengstoffe, 1st edition, 1919, pp. 36-37. 2nd edition, 1933, p. 51-52.
- vi. MARSHALL. A. Explosives. Vol. 3. 1932, p. 169-170.

It was extensively used by all belligerents in the last war and was the basis of the tank destroying efficacy of the well-known "bazooka".

The principle underlying all these applications is the physical principle that a wave of any type increases in amplitude when it converges and this means, in the case of an explosive shock wave, a corresponding increase in velocity and pressure. The theory of this effect in the particular case of a conical lined hollow charge has been published in the Journal of Applied Physics, Vol. 19, pp. 563-582, 1948. It is clear from the verbal descriptions given in evidence at the trial, see especially ff. 597, 614-620, 646-655, that the lenses, the moulds of which are alleged to have been made by David Greenglass, are essentially shaped charges employing this well-known principle of convergence. There is no indication of any new principle being involved.

5. That he bases his opinion expressed in paragraph 3(ii) aforesaid on the following grounds -

(a) The particular importance of the devices, drawings of which are alleged to have been handed over by David Greenglass, resides, in his opinion, more in the principle involved, which as stated in paragraph 4 aforesaid he maintains is not new and original, than in the particular shapes and relative dimensions of the charges. It is not disputed that experimental development work such as that carried out by the said Walter S. Koski was necessary to find the shape most adapted to the compaction of the fissile material, but such work could have been carried out by any explosives expert and it is reasonable to suppose that not only one but a number of solutions could be found for providing an adequate implosion. Further as is stated in the said Walter S. Koski's evidence (f. 600 of the said transcript) the efficacy of the lenses depended on "a combination of explosives having different velocities of detonation". This combination was made at an establishment remote from that at which David Greenglass worked and he nowhere claims to be aware of its nature. Without it any information on the mere shape of the lenses which he alleges to have transmitted would be of negligible value. It is, therefore, evident that any advantage to any foreign nation by the divulging of the design of any particular lens would be non-existent or very small as they already would have high explosive lenses of a suitable type or could readily develop them on the basis of existing knowledge.

(b) It might be argued that even if there were nothing essentially new in the design of the high explosive lenses and their implosive effect, it was still a matter of the utmost importance that the idea of using this principle for the rapid reduction of the volume of a piece or pieces of fissionable material to the critical volume be considered a secret of the highest order. To maintain this, it is necessary to assume a degree of technical incompetence on the part of a foreign nation which, if it existed, would have prevented them in any case from being able to utilise the information on atomic weapons. Already by 1939, the principles of nuclear fission, the neutron chain reaction and the concept of the critical volume were well known in scientific circles. Once the possibility of producing fissionable material in adequate quantity for the critical volume was realized, it was obvious that a bomb could be made if the critical volume could be produced sufficiently rapidly to prevent the blowing off of the material before the chain reaction could proceed far enough. Only a ballistic or an explosive compression could produce such a rapid reduction in volume. The use of a hollow charge for this purpose would be the first to occur to any

explosives expert if faced with the problem. Any real value to a foreign nation of information on the construction of a bomb or bombs model would therefore reside primarily in the absolute scale, for this would reveal the critical volume aimed at and it is not contended by the prosecution that David Greenglass ever obtained such information.

(c) Exhibits (2), (6) and (7), as produced in Court, are not claimed to be the actual sketches transmitted by David Greenglass to Julius Rosenberg or Harry Gold. They are drawings, admittedly made five years after the event, of sketches not copied but made from memory from actual models. While not maintaining that it is impossible to reproduce a drawing at such an interval of time it is difficult to understand how such drawings can be acceptable as reliable in view of the fact that in the interval between August 1945 and June 1950 when David Greenglass was arrested much publicity had been given to the atom bomb and the principles of its working, including the means of achieving a critical mass, and the recollection of what he had seen and learned may be considered to have influenced, even if unconsciously, David Greenglass's recollections. Further, in the interval between his arrest in June, 1950, and the time of the trial in March, 1951, he had been interrogated several times on the subject of his alleged espionage and it is difficult to see how his memory could not have been influenced by the questions put to him in that interval.

SUBSCRIBED and SWORN TO)
at 51/2, Chancery Lane)
in the County of London)
England the 10th day of)
November 1952, before me)

John Desmond Bernal

Kenneth L. Steward

A Notary Public
of London, England.

(SEAL)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

vs.

MORTON SOBELL,

Crim. 134/245

Defendant.

To the Honorable, the Judges of the United States District
Court for the Southern District of New York;

The Petition of MORTON SOBELL respectfully shows:

1. That he is unjustly and illegally detained and imprisoned by the Attorney General of the United States by color of authority of the United States.
2. That petitioner was taken into custody at Laredo, Texas, on August 13, 1950 and has at all times since that date been held in custody of the Attorney General through his several agents and employees; that after a purported trial commencing March 6, 1951, and concluding March 29, 1951, before I.E. Kaufman, U.S.J., your petitioner was convicted of a charge of conspiracy to violate the Espionage Act (former Title 50 Section 34, U.S.C.); that on April 5, 1951, he was sentenced to a term of imprisonment of thirty years, the maximum term provided by statute; that he is presently detained under color of said judgment and sentence, ^{AS} all or more fully set forth in the files and records of this case.
3. That your petitioner's aforesaid conviction was affirmed by the Court of Appeals for the Second Circuit on February 25, 1952, Judge Frank dissenting, petition for certiorari denied by the United States Supreme Court October 13, 1952, and petition for rehearing denied November 17, 1952.
4. Your petitioner now makes the claim that the sentence imposed on him was imposed in violation of the Constitution and laws of the United States, and that the sentencing court was without jurisdiction to impose the sentence, and that the sentence

imposed was the product of such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack on the several grounds more particularly set forth in the accompanying affidavit of one of petitioner's attorneys, Howard N. Meyer, sworn to November 24, 1952, to wit;

a. That the processes of this court were abused during the pendency of this trial by the deliberate bringing about, by the prosecution, of the indictment and arrest of one William Perl, at a time calculated to produce grossly prejudicial newspaper publicity concerning both the event of the indictment and extrajudicial statements relating to it, all of which necessarily had the effect of unduly influencing the jurors sitting in petitioner's cause; the full character of the abuse, however, not having been discovered by or discoverable on behalf of petitioner until many months after petitioner's trial.

b. That by a constant course of conduct prior to petitioner's trial, the Attorney General, the U.S. Attorney and their Assistants, and the Director of the Federal Bureau of Investigation and his agents, together collectively referred to herein as the Prosecution, engendered an atmosphere hostile to this petitioner and pre-disposed the community from which the jurors were drawn to the belief that petitioner was an "atom spy" and a "member of the Klaus Fuchs spy ring" although at all times said agencies must have known that such characterizations were false, had no evidence to support them, produced none at the trial, and were seeking thereby wrongfully to insure petitioner's conviction.

c. That your petitioner and his co-defendants were so reviled and maligned and the subject of such constant and spectacular hostile newspaper and radio publicity in advance of trial, as a result of conduct of the Prosecution in openly and covertly feeding prejudicial material to the press, that it was impossible for them to receive a fair trial before an impartial jury in March of 1951, and as a result, the purported trial was but

a legal gesture to register a verdict dictated by popular impression.

d. That evidence of "treachery and general intent to betray" was offered on the trial of petitioner in the guise of proof of specific intent to furnish secret military information, and hence the conviction based on an unconstitutional application of the Espionage Act, in conflict with the treason clause of the Constitution.

e. The prosecuting authorities knowingly used false testimony to bring about petitioner's conviction.

f. Petitioner is unjustly, unlawfully, and illegally confined, in violation of his rights under the Fifth and Sixth Amendments to the Constitution of the United States and in violation of his immunities under the Treason Clause (Art. III, Section 3) of the Constitution.

WHEREFORE, petitioner prays that an order be made and entered herein vacating and setting aside the judgment of conviction and discharging him from custody; pending the hearing and determination of this petition, he respectfully requests that he be retained within the jurisdiction of this court so that he may be free to consult with counsel, and free to testify, if need be, at the hearing.

Dated November 27/1952

14. Morton S. Cohen
Petitioner

Attorneys for Petitioner
208 West 14th Street
New York 1, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

CIT. 134/745

MORTON ROBBELL,

Defendant.

STATE OF NEW YORK)

COUNTY OF NEW YORK) ss:

MICHAEL W. WYER, being duly sworn, deposes and says:

1. I am counsel for the defendant, Morton Robell, and make this affidavit in support of his petition under 28 U. S. C. Section 2255, for an order vacating and setting aside a judgment of this Court of April 5, 1961, adjudging him guilty of conspiracy to commit espionage (former Title 50, Section 34, United States Code) and sentencing him to imprisonment for a term of thirty years. The purpose of this affidavit is to set forth in some detail the matters dehors the record which render the judgment herein subject to collateral attack.

2. The claim, as set forth in the petition, is made on five grounds, each of which is considered to be, independently and separately sufficient to justify the relief sought. While the first three grounds are presented separately, it is also requested that the first and second be deemed incorporated in the third; taken together, the essence of the three is that petitioner has been denied the substance of a fair trial by conduct of the prosecuting officials of the United States Depart-

ment of Justice both prior to and during petitioner's trial calculated to bring about a community prejudgment of guilt, and to make it inevitable that the jurors trying the case would bring in a verdict based not on evidence presented at the trial, but on matter constantly brought to their attention, at the instigation of the prosecution, outside the courtroom.

If the allegations of this affidavit should be uncontroverted, or if the proof at the hearing should support them, the conclusion will be unavoidable that the trial herein was but a legal pretense to register a verdict already dictated by popular preconception; where such preconception is produced by conduct of the prosecution in specific relation to this case, the result is as incompatible with "any civilized conception of due process of law" as the knowing use of perjured testimony (Mooney v. Holohan, 294 U. S. 103) or the overt domination of a trial by a vengeful mob (Moore v. Dempsey, 261 U. S. 86).

Counsel is aware that his petition imposes on the Court a grave responsibility; a responsibility that will be discharged in the light of the proposition that it is more important to the security and liberty of our country that prosecuting officials be held to a course of conduct which will show due regard to the rights of an accused under the Fifth and Sixth Amendments, than that the government should be put to the "inconvenience" of seeing to it that defendants, however serious the nature of the charge against them, are tried solely on evidence produced in a courtroom.

3. The petitioner Sobell was charged with having conspired with certain named co-defendants to transmit information relating to the national defense of the United States, to the U.S.S.R., with intent and reason to believe that such information would be used to the advantage of that country.

Such an accusation, it is obvious, is of such a passion-rousing character as to have required the most scrupulous and earnest performance by the United States Attorney of his admitted (P.1610) "duty to refrain from improper methods calculated to produce a wrongful conviction". (e.g. Burger v. United States, 295 U.S. 78) Not only was there an absence of such restraint in this case, but there was a course of conduct, in many months prior to the petitioner's trial, which was calculated to exacerbate an existing heated and disturbed public sentiment, topped off by an extraordinary event during the trial--the arrest and indictment of one William Perl--the full significance of which did not become evident until many months after the trial itself was concluded.

THE PERL INCIDENT

4. The prosecution's case against petitioner and his co-defendants rested solely on the dubious testimony of self-confessed spies (P.134) and an admitted perjurer. (P.278, 369) The determination of the issues at stake involved decision by the jury as to the credibility of witnesses. (P.134). The principal witnesses upon whose credibility the prosecution staked its case were Max Elitcher (a close associate of this petitioner and of Julius Rosenberg) and David and Ruth Morgenthau, the brother and sister-in-law of Mrs. Rosenberg. The trial had begun on March 9, 1951; the actual

References (P.--) are to the printed record of proceedings as certified to and printed for the purpose of petition for certiorari in the Supreme Court.

taking of testimony, through the witness Elitcher, on March 8th. His examination was concluded on March 9th, and he was followed by David Greenglass, who continued on the stand through March 14th, 1951, when he concluded, to be followed by Ruth Greenglass who remained on the stand until mid-morning of March 14th, when, after two minor witnesses, she was followed by Harry Gold. The testimony of Gold had no direct bearing on the guilt or innocence of any defendants on trial; only if the Greenglasses and Elitcher were to be believed would Gold's testimony have had valid circumstantial significance.

5. At this crucial moment there occurred the following events--not of record in the instant case--the full motivation and true character of which could not be apparent until many months after the conclusion of petitioner's trial. On Tuesday, March 13th, 1951, the Grand Jury which had indicted petitioner and his co-defendants returned an indictment for perjury against William Perl. (Crim. 145/43) The indictment was ordered read by Judge Goddard, then presiding in the principal criminal part of this Court. The indictment was nevertheless taken before Judge I.R. Kaufman, who was then actually engaged in presiding at the trial of the instant case, and ordered opened by him on March 14th. At the same time, Judge Kaufman signed the bench warrant for the arrest of Perl. The indictment against Perl charged him with having testified falsely over six months before, with respect to his acquaintanceship with (1) petitioner Sobell, (2) his co-defendant Julius Rosenberg, (3) Helene Elitcher (the wife of the perjurer-witness, Max Elitcher) and (4) two individuals, Ann and Michael Sidorovich--whose name figured prominently in the testimony of David Greenglass (S. P. 445-6).

6. The indictment and arrest of Perl--he was arrested on the evening of March 14th, 1951--had the effect of an event could only have been calculated to have. It resulted in sensational newspaper, radio and television publicity on March 14th,

of a character not ostensibly having to do with the trial of petitioner and his co-defendants--and hence not even within the purview of prior admonitions by the trial judge (even if it be assumed that such admonitions are ever taken seriously) against reading "a out this case" in the newspapers. (R. 3. R. 114)

The publicity appeared on the front page of every New York City morning newspaper on March 15th, 1951--including the tabloids, whose front page space is at a premium. It was prominently displayed in every afternoon newspaper. The sinister character of this publicity--not in the record on the trial--becomes apparent when compared with what is to be found in the record. The full quality and character appears in the photostats of the relevant newspapers, which, as annexed to the petition of the defendant Rosenberg of November 24, 1952, signed by Emanuel H. Bloch, Esq., I beg leave to have incorporated herein in their entirety and treated as an exhibit hereto. The New York Times, for example, carries a two-column page-one headline (sensational treatment, for that newspaper, of the story of an arrest of an otherwise unknown person) "Columbia Teacher Arrested; Linked to Two on Trial as spies". Two separate stories appear in the parallel columns under the two-column head: the one, relating to the previous day's testimony at petitioner's trial--which the jurors might not have read; the other, concerning Perl, which the jurors could have felt entirely free to read, and headed "Physicist Called Perjuror in Denying that He Knew Rosenberg or Sobell". The text of the story that follows contains the following statements attributed to the United States Attorney, who has never denied making them:

"Mr. Cypol said also that Perl had been listed by the Government as a potential witness in the current atomic espionage trial. His intended role on the stand, Mr. Cypol added, was to corroborate certain statements made by David Greenglass and the latter's wife, who are key Government witnesses in the trial". (Exh. supp.)

It is difficult to believe that such a quotation was falsely attributed to Mr. Cypol. It is even more difficult to

understand how it has remained uncondemned.

The standard was laid down long ago, as to such conduct, when the court said, in United States v. Rosen, 106 Fed. 371 (S.D. 1900):

"I need hardly say that the publication of such comments during the course of the trial was a flagrant impropriety. If the printed words had been spoken to a juror, or if they had been contained in a letter addressed to him, an offense punishable by fine and imprisonment would have been committed; and it is little less blameable to take the not improbable chance of reaching the juror's mind by the method of publication in a widely-read journal."

Whatever the reason for the prosecutor's immunity in the present case, it is obvious, from the narrative of the events of the trial and the precise timing of the publication, how any doubts that any jurors might have had concerning the dubious accomplice testimony tendered by Mr. Lippol at the trial, could have been resolved, for the jury, before the record and contrary to law, by this type of "subordination".

The prominence of the publication, and the fact that the jury dispersed each day in the present trial, make it inevitable that the remarks were seen and discussed by the jurors.

"It is idle to say that there is no direct evidence to show that the jury read these articles. They appeared in daily issues of leading journals, and were scattered broadcast over the community. The jury separated at the close of each session of the court, and it is incredible that, going out into the community, they did not see and read these newspaper publications". (Meyer v. Radwader, 49 Fed. 32,36).

7. Mr. Lippol was not alone in using the occasion of the Pearl Rest to send extra-judicial information to the jury, via the press and radio. Mr. J. Edgar Hoover felt impelled to announce, according to the Times, that Pearl's father "was a native of Russia" and that Pearl "had been under investigation since shortly after the arrest of Harry Gold".

8. The files and records of this court support the claim that the circumstances of the Perl indictment, the unreasonableness of the indictment, the arrest of Perl, and the press statements of the prosecution in connection with the arrest, must be scrutinized in a hearing under Section 8335 to determine whether the conviction in this case was not brought about in a manner in conflict with the Fifth and Sixth Amendments to the Constitution of the United States. As mentioned above, the indictment occurred over six months after Perl's allegedly false testimony was given. The crime of perjury is a serious one; yet eighteen months have elapsed since the indictment, and Perl has not only not been brought to trial; the United States Attorney's office has most vigorously opposed efforts of Perl's counsel to give that defendant a trial.

9. At the time of Perl's arraignment, March 16th, 1951, as reflected by stenographic minutes of proceedings before Judge Boardman filed in this court (Crim. 136/43) John W. Foley, Assistant United States Attorney (who was also counsel of record for the government in the trial of petitioner) stated:

"The government is ready to proceed on April 2nd. However, counsel for the defendant has advised me that he is going to be engaged through the 8th of April, and he will not be ready for trial until the 1st or 15th of April. The government had no objection to the date defense counsel suggests."

The government did not, however, proceed on April 17, 1951. According to Peril's uncontradicted statements in an affidavit in support of a motion brought on y order to show cause signed June 2nd, 1952, in an effort to force a trial:

"On June 4, 1951, the trial date was set for June 15, 1951. At the point both myself and my counsel were actually ready for trial".

Thereafter, he says, trial was successively adjourned to October 4, 1951.

"Finally on that date, the case was marked off the calendar by the United States Attorney".

The United States Attorney's office, which, as noted above, declared Curin the pendency of a petitioner's trial, that it was "ready to proceed on April 2nd", (1951) fought tooth and nail against going to trial in June of 1951. It went to the length of filing an affidavit incorporating an earlier affidavit of May 25th, 1951, by Robert Martin, Assistant United States Attorney, claiming:

"The reason that the case has not been brought to trial to date is because, among other reasons which may not properly be disclosed at this time, the United States Attorney believed it desirable to have all aspects of the Rosenberg and Sobell prosecution completed before commencing prosecution in a related case. Further, Wyles J. Case, the United States Attorney is presently engaged in litigation of considerable importance in the case of U. S. v. Elizabeth C. Flynn, et al and has just completed prosecution in the case of U. S. v. Frank Costello. Accordingly, the case cannot possibly be brought to trial until the fall of 1952."

and then stating, in the now affidavit of June 9, 1952:

"The offense charged in the indictment in this case is one of the most serious imports. The defendant is a physicist and a leading specialist in atomic energy. He has done work in fields of top military secrecy. He is charged with perjury in that he denied knowing, before a grand jury investigating espionage, persons who have subsequently been convicted of espionage on behalf of the Soviet Union. The prosecution in the espionage case, that against Julius Rosenberg, has not been completed, and is presently awaiting possible application for review by the Supreme Court. The United States Attorney has decided it should be proceeded further and reveal the proof in this perjury case until the Rosenberg case is related matters have been concluded."

The implication that the trial of Perl's indictment would be a difficult one, and hence not readily triable by an assistant United States Attorney, is belied by the statement of Assistant U. S. Attorney, Foley, on March 30th, 1951, in stenographic minutes on file in this court, in arguing against a motion for a bill of particulars.

"If this were an unusually difficult case, if it was a complicated factual situation, if it required great pains in preparing for trial, then I could understand the defense counsel's predicament. I would not agree with their contention, however. But this is such a simple case your Honor, I do not see why any unusual allowance should be made in a bill of particulars".
(aph. supp.)

10. The claim that the "processes of the court were abused" obtain additional support from the inference which can be drawn from the foregoing, that it was never seriously intended to bring Perl to trial, when the prosecution sought his indictment. That inference, serious as its implications may be, is supported by the timing of the indictment, and the circumstances set forth above. An alternative inference, at the present juncture, in view of the statements in the Martin affidavits, is that the prosecution is aware that a trial of Perl, if held while the Rosenbergs are alive, will necessarily bring out evidence or facts which have been hitherto suppressed, which will demonstrate the innocence of petitioner and his co-defendants. But, if that is the case, a right to relief under Section 2853 exists, since the knowing suppression of such facts is as much a violation of due process of law as the knowing use of perjured testimony.

11. Over and above the injury to all defendants, arising out of the Perl incident, is a particular injury to petitioner which may be stated as follows: there was a serious and substantial question on the trial of the indictment herein, as to whether the proof showed the single conspiracy charged by the indictment, or whether it showed two separate alleged conspiracies,

the one dealing with atomic espionage, allegedly between the Over-
berg and others, in which the trial judge saw evidence (S. 1020)
that Sobell did not participate, and the other allegedly between
Julius Rosenberg and Sobell, having to do with other, unidentified
national defense information. This question was so serious and sub-
stantial, in fact, as to have evoked from Judge Frank of the United
States Court of Appeals a dissent from the affirmance of the convic-
tion of Sobell, on the ground that, if in fact two conspiracies
were proved, "then prejudicial error has been committed, for Sobell
was jointly tried with one or atomic energy spies whose acts and
declarations were held binding upon him" (S. 1024-5; 1057 (2d)
at p. 1000). The majority of the Court of Appeals, in affirming,
seems to have believed that "the jury could and did reasonably
find" that there was a single conspiracy. And the Solicitor
General, in opposition to certiorari, contended that the jury
had so found, (Br. App. 47-50) and did not deny that it was a
jury question.

But on this issue, so much in doubt that Judge Frank
dissented from the affirmance of petitioner's conviction, the
permeant and attendant prejudicial publicity incited by the
prosecution, was calculated to bring improper pressure to bear on
the jury. Through the indictment of Perl there was emphasized and
through the publicity there was re-emphasized the existence of a
claimed nexus between Perl and Sobell, and between Perl and Ann
and Michael Widorovich, individuals never testified to as having
had anything to do with Sobell, but whose alleged role in the evi-
dence at the trial was confined to alleged dealings in atomic espionage
between Julius Rosenberg and David Greenglass and Harry Gold.
Thus there was thrown into the scales an entirely improper and exten-
sive instrument of persuasion, calculated to produce an unfair
resolution of the question whether the testimony concerning Sobell

related to a separate agreement, or whether, (as Judge Frank states the issue) "he became a member of the Rosenberg-Greenglass-Gol. conspiracy".

PRETRIAL PUBLICITY PARTICULARLY UNFAVORABLE TO
SOBELL

12. Apart from the Perl incident, in the pre-trial period and during the period of the trial, defendant Sobell was subjected to a most prejudicial sort of prosecutor-incited hostile publicity, which he and his counsel were powerless to challenge before the trial because of concealment, by the prosecution of the particulars of the case against him. The nature and character of the prejudice is best demonstrated in the light of the fact that at the time petitioner was sentenced it was acknowledged by the trial judge that "The evidence in the case did not point to any activity on your part in connection with the atom bomb project". (R. 1820)

The indictment on which the trial of petitioner and his co-defendant was had did not reveal this fact; and the prosecution insistently opposed his trial counsel's efforts, by way of proceedings for a bill of particulars, to get some enlightenment as to the nature of the charge against him. As Judge Frank said for the Circuit Court,

"Sobell's counsel argued that on the basis of the indictment and information obtained from an unsuccessful attempt to get a more enlightening bill of particulars, it was impossible for Sobell to ask for a severance earlier on these grounds. Sobell's position seems well taken, although it is not necessary to decide any question of waiver involved in his failure to request severance." (R. 1834)

The Prosecution, however, must at all times have been aware of what the trial judge acknowledged, as quoted above: that petitioner had nothing to do with atomic espionage. Yet, persistently and pervasively, from the moment of petitioner's arrest, they sought to impress on the minds of the community from which the jurors were drawn the belief that petitioner was

an "atom spy". For example, the headlines, of sensational character, reporting announcements of the Director of the F.B.I. and the United States Attorney pertaining to Sobell's arrest--the first publicity which his name and personality received--were of the following nature: New York Journal American, August 18th, 1950, half banner, front page head "Arrest N.Y. Man as Reds' A-Spy**", juxtaposed with a large photograph of petitioner captioned "Morton Sobell, Accused Spy". The New York Daily News (August 19, 1950) headlined the story, across three-fifths of a page, "Fleeing Radar Expert Nabbed as Atom Spy", with petitioner's name set forth in large type in the "lead" sentence of the story. The New York Times in its prominent page one story quoted U.S. Attorney Saypol as follows: "Mr. Saypol said that Sobell had many dealings with Rosenberg in the conspiracy to supply Russia with atomic secrets".

This accusation, which must have been known to the prosecution to be false, was repeated in various forms, both directly and indirectly, in characterization, prior to the trial, of Sobell as an alleged "atom spy". Ex.: New York Journal American, August 19th, 1950: "U.S. to Bring 5th Atom Spy Suspect Here" (p.1); Journal American August 20th, 1950, photo caption, "Mrs. Sobell ... visited her atom spy suspect husband"; New York Post, August 20th, 1950 "N.Y. Man Held as Eighth A-Spy, awaits Return"; New York Daily News August 25th, 1950 "8th Atom Spy Suspect held in 100 P's cell"--juxtaposed with "A-2" on to of Morton Sobell.

"(Morton Sobell) was arrested in Laredo, Tex., by F.B.I. agents yesterday as a member of the Klaus Fuchs international atomic spy

* By this time it had become common knowledge among newspaper readers that "A-bomb" meant "atomic bomb" and "A-spy" meant "Atom spy".

ring" (Daily Mirror, August 19th, 1950, p. 2); "A- spy Suspect (Morton Sobell) to be Brought Here" (Daily Mirror August 22nd, 1950).

The prejudicial effect of the foregoing was refreshed and revived in the immediate pre-trial period. On March 1st, 1951, the New York Times headlined "Spy Trial to Hear Three Atom Scientists" and referred to "three persons (i.e. the Rosenbergs and Sobell) accused of transmitting atomic secrets to Russia in war time". The Daily News headlined on March 1st, 1951, "U.S. has 27 Witnesses in A-trial stock pile" and declared that the Government would "attempt to convict Julius and Ethel Rosenberg and Morton Sobell on charges of conspiring to pass on atomic secrets to Soviet Russia during wartime". On March 6th, 1951, the Daily News, headlining "Hint U.S. Seeks Death for three on Trial Today" specifically named "Morton Sobell" as being charged with "actually plotting to feed atomic secrets to Russia". The New York Post on March 6th, 1951, published a photograph of petitioner captioned "Morton Sobell, accused of atomic espionage, enters Court", juxtaposed with a story referring to the "first atomic spy trial in history" and headlined "Three A-Spy Suspects to go on Trial".

The day-by-day reportage of the trial was uniformly of this pattern. It would be cumulative to set that forth here in view of the fact that complete documentation may be found in the Rosenberg petition; but it is of interest as reflecting the prejudicial confusion produced by the pre-trial publicity, to examine the reference to the testimony of David Greenglass, self-described atomic spy, as reported in the New York Post for March 18th, 1951:

"The former Army sergeant whose testimony began Friday, gave a detailed 'cloak-and-dagger' account of his dealings with Julius Rosenberg, his wife Ethel, and Morton Sobell, electronics engineer... The three, Greenglass testified, conspired with him to steal top secrets from the government and transmit them to Moscow".

There is not a scintilla of such evidence, or any evidence in the case, by Greenglass, having to do directly or indirectly with Morton Sobell.

It is, of course, no answer to all this that the indictment charged a "single" conspiracy, and that an alleged co-conspirator has a constructive, albeit fictitious, responsibility for acts of his co-conspirators. The numerous condemnations of petitioner as an "atom spy"--in many instances alleging direct participation--were not accompanied by cautionary instructions, or addressed to an audience learned in the entangling niceties of the law of conspiracy.

Nor is it an answer that the jury was instructed not to convict unless they "believed" the testimony of Max Elitcher (R. 1560). The purpose of what has been set forth in this affidavit has been to show how the jury was brought, by unconstitutional means, not of record and hence not appealable, to believe a witness whose credibility was so suspect.

The prejudice created by such unjust denunciations as "actually plotting to feed atomic secrets to Russia", (supra) was compounded, at every stage, by the injection of the equally false accusation that Sobell had not only conspired concerning the atom bomb, but had done so as a co-conspirator of Dr. Klaus Fuchs, who has been referred to as the "most notorious spy in recent history" (341 U.S. 494 at p. 543). While the court may be sufficiently aware, so as to be able to take judicial notice, of the prejudicial character of an unjustified coupling of an individual with Klaus Fuchs, it may be well to recapitulate the following historical facts. During the entire post-war period--from 1945 to 1950--two most disturbing series of events, to every American, particularly urban residents, were the increasing general deterioration of relationships between the United States and the Soviet Union, and the parallel breakdown of efforts to establish international control of the use of the horrible atomic

^{for} bomb/military purposes. The tragic and devastating effects of the two military uses of the atomic bomb at Hiroshima and Nagasaki were common knowledge, and the sources of a constant "state of intense public alarm" (Blackett, Fear, War and The Bomb, 1949). Superimposed on this background, shortly after the revelation by President Truman of an atomic explosion on Soviet territory, came the fateful public controversy as to whether the United States should proceed to manufacture a weapon--the hydrogen bomb--(which came to be known as the "hell bomb")--which dwarfed the hideous atomic bomb in the same proportion as that weapon had overshadowed every military weapon previously invented. On January 31st, 1950, the President directed that work with the hydrogen bomb proceed--and the public was told that "the new bomb would fuse atoms...with a power 100 to 1000 times greater than the improved fission bombs that have been developed since the Japanese cities were struck" (N.Y. Times, Feb. 1, 1950).

Within three days after this decision was made, with all its attendant fanfare came the shocking revelation of the arrest, by the British authorities, of Dr. Klaus Emil Julius Fuchs, on charges of espionage. "British Jail Atom Scientist As a Spy After Tip by F.B.I.; He Knew of Hydrogen Bomb" (N.Y. Times, Feb. 4, 1950). Dr. Fuchs, at the very least "had certain basic information dealing with the hydrogen bomb development and was thus in a position to pass it on to the Russians" (id), at the worst, if the Journal American's quotation attributed to Dr. H. H. Bethe be taken at face value "All H-Bomb secrets gone"; "America's closely guarded secrets on hydrogen bombs are now 'no longer secrets' one of this country's foremost physicists, Dr. H. H. Bethe of Cornell University declared yesterday" (Journal American February 5th, 1950). The themes of the vast destructiveness of the hydrogen bomb, and the asserted role of Fuchs in transmitting hydrogen bomb secrets to the Russians, were played over and over, with variations, in the following weeks.

13. In the context just set forth, an accusation of association with Fuchs was one that should hardly have been lightly made, even assuming it to be permissible for a prosecutor to make such accusation other than before a grand or petit jury. Yet this petitioner and his co-defendants were repeatedly so characterized --although the prosecution ultimately disclaimed (but outside of the hearing of the jury (R.836-7) any intention to have Sobell and his co-defendants characterized as co-conspirators of Dr. Fuchs. This, however, did not prevent the incitation* of such publicity as the following: "Morton Sobell, 33 year old radar expert and eighth American suspect nabbed in the Klaus Fuchs international atom spy ring" (Daily News, August 20th, 1950); "Radar Expert Indicted in Fuchs Ring" (Daily News, October 11th, 1950); "Sobell) was arrested as a member of the Klaus Fuchs atomic spy ring" (Journal American, August 19, 1950); "The F.B.I. today announced the arrest at Laredo, Texas, of Morton Sobell of New York ...the eighth accused spy to be apprehended as a result of the Klaus Fuchs-Harry Gold atomic espionage case" (Journal American August 18th, 1950; "A 33 year old radar expert was in Federal custody today awaiting his return to New York to face charges that link him with the Klaus Fuchs international spy ring... Sobell, the eighth American arrested in connection with the Fuchs spy apparatus...Sobell was the second alleged member of the Fuchs ring to face legal proceedings this week. Justice Department spokesmen in Washington linked him with Julius Rosenberg..." (New York Times, August 20th, 1950). "No. 4th Man (Rosenberg) in Atom Spy Ring Linked by F.B.I. to Gold-Fuchs Gang" (Daily Mirror, July 18th, 1950); "the spy ring which fed information to the Russians through Dr. Klaus Fuchs, top British atomic spy"

* I have no personal knowledge as to whether the allusion to Fuchs were prosecutor-inspired, but believe that on their face, and in view of their timing in relation to the arrest, the newspaper stories permit of no inference other than that the source of the characterization was the prosecutor.

(N.Y. Post, July 19th, 1950); "Morton Sobell, the latest suspect banged in the Klaus Fuchs atomic spy ring roundup" (Journal American, August 19th, 1950); "Sobell... seized as a member of the Dr. Klaus Fuchs atomic spy ring" (Daily News, August 19th, 1950); "Morton Sobell, accused of belonging to the Klaus Fuchs spy ring which fed atomic secrets to Russia", (Daily Mirror, August 25th, 1950, p. 10); "it was expected (Greenglass would turn government witness at the trial of his co-conspirators in the Klaus Fuchs atomic spy ring. The Fuchs spy plotters have been described as those mainly responsible for the fact that Russia now has the atomic bomb" (Journal American, October 13th, 1950); "Hoover's announcement of Rosenberg's arrest declared that the suspect was part of the ring that included Fuchs, the British nuclear physicist and three other Americans--Gold, David Greenglass and Alfred Dean Slack" (Journal American July 13th, 1950); and finally "ATOM SPY TRIAL OPENS - CHARGE LINK TO FUCHS AND GOLD" "All are charged specifically with espionage and conspiracy as key figures in the notorious Klaus Fuchs-Harry Gold spy ring, whose success the Government claims cost the United States five years in armament advantage" (Journal American March 6, 1951).

All this, despite the fact that it was ultimately conceded (but in the absence of the jury) that there was no claim of conspiracy by Sobell, or Mr. or Mrs. Rosenberg, with Fuchs (H. 836-7).

The constant reference to Fuchs in the pre-trial publicity may not have been primarily motivated by a desire to prejudice the defendants. The motive may have been laudable or it may have not, for repeatedly and unjustly charging that the defendants were co-conspirators with Fuchs. The result is determinative. "The prejudicial effect... in being brought to trial in the hostile atmosphere engendered by all this pre-trial publicity, would obviously be as great, whether such publicity were generated by the prosecuting officials or by a congressional committee hearing."

(Magruder, C.J., for the Court of Appeals, in a Circuit, Belaney v. United States, No. 4659, October Term 1952, October 13, 1952).

PRE-TRIAL PUBLICITY IN GENERAL

14. "Of course, it would have been a gross impropriety on the part of the prosecuting officials if they had made available to the press all this damaging material respecting Belaney" (Belaney v. United States, supra). "Newspapers, in the enjoyment of their constitutional rights, may not deprive accused persons of their right to fair trial. These convictions, accompanied by such events, do not test any civilized conception of due process of law" (Jackson and Frankfurter, J., concurring in Shepard v. State of Florida, 341 U.S. 50, 53).

The grounds of collateral attack set forth above--the Perl incident, and the repeated unjust accusations of "atom spy" and "Fuchs ring" are independent of each other and of the ground set forth in the following claim; and yet they must also be incorporated into, and taken as part of the following. For it is the contention of petitioner that by the intermittent employment by prosecuting officials of the newspapers, radio and television, for the dissemination of their belief in the guilt of petitioner and his co-defendants, and the advance depiction of evidence both admissible and inadmissible against them, the prosecution made a fair trial before an impartial jury an impossibility.

"Trial by newspapers", like all catch phrases, may be loosely used but it summarizes an evil influence upon the administration of criminal justice in this country". (Frankfurter, J. concurring in Pennekamp v. Florida, 328 U.S. 331). The courts may still wrestle with the problem created by publicity for which the prosecution has no responsibility, but when prosecution officials are direct participants in the bringing to bear of the "evil influence", there is a violation of due process of law.

15. This issue is but tendered by these papers; the full scope of what is complained of can only be portrayed by the use of this Court's process to compel disclosure of the nature and extent of the pre-trial "press-feeding" that took place here on the part

of the prosecution, both by way of formal press release and by way of informal announcement.

13. As related above, the arrest of Dr. Klaus Fuchs was an event of a notorious and shocking character, both because of the nature of our relations with the Soviet Union, and the shock and horror attendant upon announcements relating to the atomic bomb and the hydrogen bomb. It seems to have been thought appropriate for the F.B.I. to announce "that the case involving Dr. Karl (sic) Fuchs was developed by British authorities on information furnished to them by the Federal Bureau of Investigation" (official F.B.I. release, e.g. Journal American February 3rd, 1950).

Immediately thereafter, it seemed appropriate to broadcast "F.B.I. LAUNCHES HUNT FOR R. V. B. W. S. P." (Journal American, February 5th, 1950). The "hunt" was accompanied by a spate of publicity typified by a series of prominently published articles (Journal American, February 13, 13, 14, 15, 15, 1950) such as "Atomic spies shielded by U.S. official laxity", complaining "No American arrested yet" and inquiring "Who protects them?"

Whether because of this background, or for other reasons, not themselves of great significance, the series of arrests that preceded the present prosecution were accompanied not merely by the usual newspaper coverage of criminal arraignments; they were announced by press release after press release, and heralded by off-the-record and on-the-record predictions and claims, all calculated to produce a pre-trial atmosphere of hostility and prejudgment of guilt. There was even an open appeal to prejudice in reference to the Eastern European parentage of one of the defendants -- a reference that would never have been admissible at the trial -- and editorialization which was in fact incompatible with the indictment on which the defendants were actually tried; for example, the Director of the Federal Bureau of Investigation has fit to date, in an official release:

"The gravity of Rosenberg's offense is accentuated by the fact that through his identification in the espionage ring as a native born American citizen, he is resolutely and it says and seeks to secretly

cooperate with the Soviet Government to the detriment of his own country". Journal American July 17, 1950.

17. The purpose of this affidavit is not to present more than the highlights of petitioner's claim of pre-trial harassment and exploitation by the prosecution agency. It has been physically impossible to gather and prepare the materials separately, but the documentation is to be found, in sufficient volume to demonstrate the need for at least a hearing on the issue, in the exhibits annexed to the petition of the defendants' counsel, signed by Emanuel S. Bloch, dated November 24, 1952.

18. The conduct of the prosecution must be evaluated in the light of the quality and character of the public opinion formed by multiple press, radio and television references to the subjects of atomic warfare, espionage, atomic espionage and communist activity in 1950-51. Obviously the prosecution has no direct responsibility for the pre-existing general public sentiment (except, in a social way, where the same was formed, or contributed to by legislative committees and their suggestions as to be in the interest of public welfare; for the nature of such responsibility, *cf. Island v. United States, supra*). But the fact of the widespread opinion, prejudices and misconceptions, brought about before and during the pre-trial period, must be taken into account in ascribing responsibility for what was then done in specific relation to this case. A narrative record could be made as to these other matters.

a. No proof need be tendered on the issue that there existed in 1950-51 a "great public feeling against Communism"; that has been the slogan of judicial officers since *United States v. Loring*, 193 U.S. 120 (1904), 28 S.Ct. 101, 75 L.Ed. 101.

b. Reference has been made to the nature of the public opinion existing with relation to the character and threat of atomic warfare-espionage or espionage. It existed prior to May of 1950, it continued, unaltered, in the subsequent period. For example: "Atom bomb may be used by day" *N.Y. Times*, August 18, 1950; "Atomic threat in atomic attack" *N.Y. Times*, August 18, 1950.

1950); "Atomic Bomb: No Problem Here" (N.Y. Times August 18, 1950); "Order of Warships Halted in Bay to Undergo Search for 'Lost' Lives" (Daily Mirror, July 2, 1950); "Don't Play Down Reds Atom Skill, Briton Warns" (Daily Mirror, August 9, 1950); "A. H. Handbook Describes A-Bomb Effect" (Daily Mirror August 13, 1950); "If Red A- Bomb They'll Come A-Bombing: A-Ha" (Daily News, September 1, 1950); these are but a few representative headlines during the single month that petitioner was arrested, and unjustly labeled as one who was an "atom spy".

c. The whole subject of espionage was also one that was constantly harped on--with the more or less sensational treatment that this subject always received in press coverage. "Federal Jury Asks Fighter Not an 'Spies'" (Journal American, June 18, 1950); "Red Spy Activities Put at New High" (Journal American, February 3, 1950); "President Warns U.S. of 'Spy Peril'" (N.Y. Times July 26, 1950); "Senate Group Votes Teeth for Spies For Next Two Years" (Daily Mirror, August 1, 1950); "Red Shift A-Spy Pattern" (Journal American, June 17, 1950) are but a few representative examples.

12. It may be appropriate to introduce the material that follows with an item appearing in the press of this period:

"Public media in Britain are in no position at this point in the Ruess case to match the scrutiny to which security incidents may be subjected in the United States. British law forbids the press to say anything which might prejudice the defendant's chances for a fair trial". (New York Times, Feb. 19, 1950, Sec. 2 p. 7)

Instead of the unusual precaution and self-restraint that should have been exercised by the prosecuting agencies, not only because of the grave passion-rousing character of the charge, but because of the existing inflamed state of public opinion, the arrests in the present case were accompanied by a succession of foul blows calculated to make dispassionate consideration and a fair trial utterly impossible.

The pattern was established at the time of the arrest of Harry Gold and David Greenglass. Each of these events was accompanied by a fanfare of publicity, not merely prosecution-inspired, but prosecution-announced.

Gold: J. Edgar Hoover, director of the Federal Bureau of Investigation and Attorney General J. Edgar Hoover said in a joint statement at Washington that Mr. Fuchs had turned over secrets about the atomic bomb to Gold. N.Y. Times, May 24, 1950. The release seemed to have been a lengthy one, arising from Gold's alleged role as a Soviet agent, and which reported that Gold, detailing a series of contacts with Fuchs; claiming that the "Fuchs" had long been watching Gold, and that Gold's purported statement of alleged motivations (i.e. "helping a nation whose final aim is improved"). It was considered proper and necessary to include in the announcement: "He was described as having been born in Switzerland of parents who were both natives of Russia.... Their family name of Golodnitsky was changed to Gold when the parents were naturalized, the department said".

Green Glass: Instead of a joint announcement, parallel announcements were made by U.S. Attorney General, and New York Special Agent in Charge Edward J. Connelley. Daily News, June 17th, 1950. One of them made a point of making clear that Green Glass' father was Russian born and his mother Polish born N.Y. Times, June 17th, 1950. Mr. Appel said that Green Glass' "actually was engaged in constructing the atom bomb" at Los Alamos, a stretching of the truth for sensational purposes was compared to Green Glass' actual testimony at the trial. Mr. Connelley felt it pulled to claim that Green Glass had disclosed his native ability to help an ally deprived of information by "gross negligence". Mr. Appel apparently called in the reporters twice; Appel later gave reporters a slightly amended version of Green Glass' statement about fleeing. (Daily News, June 17th, 1950).

In the previous day, a lengthy statement had been released, with details of all the evidence etc., by J. Edgar Hoover, pertaining to the arrest of Alfred Green Glass at Syracuse. Daily News, June 16th, 1950; New York Times June 16, 1950.

20. The pattern thus established was exploited to the limit, in connection with the arrests of the defendants who were tried on their pleas of "not guilty" in this case. The characterizations that were employed had a repeat value, for they were referred back to and quoted on subsequent occasions with reference to the pre-trial proceedings, or in connection with the impending trial.

The treatment of the arrest of Julius Rosenberg was calculated to strip him of the presumption of innocence and preclude the possibility of a fair trial by an impartial jury. Such treatment obviously rebounded to the prejudice of all defendants. The press-clippings speak for themselves as to whether any jury could have been secured, which would have been free of preconceptions, even if "in answer to inquiry by the trial judge" they had affirmed "that they were prepared to determine (his) guilt or innocence solely on the basis of evidence produced at the trial". (*Clancy vs. U.S.*, supra).

In evaluating the effect of the following, full significance must be accorded to the trust which most Americans place in the press. It is that trust that was being exploited by the use of its name as a badge of authenticity on pre-trial announcements.

"NORTH AMERICAN TOLD AT ATOM SPY".

"New Yorker (Julius Rosenberg) Seized Here Not Los Alamos Bomb Site for Soviet Ring, F.B.I. Reports"

The foregoing was the headline treatment in the New York Times, July 14th, 1950. The source is made clear. "The announcement of the arrest was made jointly by J. Howard McGrath, the Attorney General and J. Edgar Hoover, Director of the Federal Bureau of Investigation". The release not only was lengthy, but full of detail, and embodying characterization calculated to prejudice Rosenberg irremediably. "Mr. Hoover described Mr. Rosenberg as another important link in the espionage network that included Dr. Klaus Fuchs," etc. "Mr. Hoover related that Rosenberg recruited Greenblatt..." Mr. Hoover said the Rosenbergs gave Greenblatt specific information as to the type of atomic data the Russians

desired". A substantial part of the prosecution's case at the trial was outlined. There followed the editorialization, attributed to Mr. Hoover and not denied by him, that the "gravity of the Rosenberg offense was accentuated by the fact that he, an American born citizen aggressively sought means to secretly conspire with the Soviet Government to the detriment of his own country".

The pernicious effect of this particular statement, improper in itself, in advance of trial, is heightened by the fact that even the indictment did not charge that the defendants sought to bring about "injury to the United States" but only "advantage to a foreign nation". And it was only the latter of these alternative forms of statutory intent (former 50 U.S.C. Sec. 32) which the prosecution purported to have proved at the trial.

The characterization as "aggressive" had a repeat value which permitted it to be driven in on other occasions. The Evening Journal American on July 18, 1950, picked up and employed it thus: "Granted as one of the most 'aggressive' agents in the Klaus Fuchs atomic spy ring which turned over vital secrets to Red Russia, a City College engineering graduate today was held on charges of war-time espionage. He is Julius Rosenberg..." It was picked up to serve triple duty a month later when it was reported, Journal American, August 17, 1950, that Mr. and Mrs. Rosenberg "were indicted today as 'aggressive' members of the Klaus Fuchs atomic spy ring" - needless to say, the word "aggressive" does not appear in the indictment.

Likewise, the characterization of Rosenberg as "another important link in the Soviet espionage network", was picked up to be applied to him on other occasions, as when the New York Times reported the first indictment against him, August 17, 1950, p. 7 col. 1; likewise, the New York Post, August 17, 1950 p. 10, col. 3.

The full text of the Hoover-Rosenberg press releases would have to be subpoenaed at the hearing when it is sought to have on behalf of petitioner. Many of the damaging statements were reported and displayed in all of the newspapers; some in one group or another. It is expressly included, for example, the information, obviously sig-

nificant in bringing about a prejudgment by the community, that Rosenberg was fired by the War Secretary in 1945 on information that he was a card-carrying Communist" (New York Post, July 13, 1950, p. 14, col. 5; see also Daily News, July 13, 1950, p. 3). It was asserted in the Daily Mirror, July 13, 1950, "Hoover said his inquiry indicates that Rosenberg on his own initiative made himself available to Soviet agents so he could do the work he felt he was slated for" and thus "do something directly to help Russia". On the next day, the same paper added, attributing the statement to the F.B.I., that Rosenberg "had pleaded with 'reenagers to free the United States'" (p. 5, col. 5, July 13, 1950).

If the New York Post and Daily News are to be believed, the F.B.I. even went as far as to state:

"The F.B.I. quoted Rosenberg as saying 'I wanted to do something to directly help Russia'" (N.Y. Post July 13, 1950, p. 24, col. 1; see also Daily News July 13, 1950, p. 3 and 4).

Of course, no confession or purported confession to the F.B.I. was ever offered in the evidence at the trial; nor has any denial or repudiation of the above statement ever been published (see Shepherd v. State of Florida, 341 U.S. 50, 53).

21. The arrest of Ethel Rosenberg was announced with the same type of treatment, albeit not as extensive. "Arrest of the hysterical Mrs. Ethel Rosenberg of 10 Monroe Street in the Knickerbocker Village development, was announced simultaneously by U.S. Attorney Saypol here and by F.B.I. Director Hoover in Washington" Daily Mirror, August 12, 1950, page 2. "Saypol said she and her husband and others recruited her brother to get secret atom data" (id), and, without the burdensome difficulty of awaiting a court ruling as to the admissibility of the evidence, or any accompanying caution, "We have ample evidence of the fact Mrs. Rosenberg and her husband have been affiliated with Communist activities for a long period of time" said Saypol (id; the same statement is quoted in the New York Times of August 12, 1950, p. 1, only there it is attributed to "Myler J. Lane, Chief Assistant United States Attorney". Accord, Journal American, August 12, 1950, p. 4).

There was also the inevitable "Time" report on Mr. Rosenberg's background which stated that she was born in New York City, September 28, 1915, of a Russian father and an Austrian mother".

22. The pattern was repeated at the time of the arrest of this petitioner. The formal announcement was made, it seems, by U.S. Director J. Edgar Hoover (e.g., Daily News, August 13, 1950, p. 2; Journal American August 1, 1950, p. 1) but United States Attorney Saypol was not far behind, in making a series of claims and announcements (e.g., New York Times August 19, 1950, p. 1, Daily News, August 19, 1950, p. 2). There was no class in stating: "His parents, both born in Russia, re-naturalized Americans". (Daily News, August 1, 1950.)

"U.S. Attorney Saypol said that the arrest of Sobell was made under his direction. 'We have been investigating Sobell for some time', he added, " (Daily News, August 13, 1950). By the next day this had grown to "U.S. Attorney Saypol said he had been investigating 'for a long time'". (N.Y. Post August 20th, 1950, p. 23).

The references to Sobell as an "atom spy" collaborator of Russia, all wholly unjust, even on the interpretation of the testimony on the trial most favorable to the government, are sufficiently set forth above. In an additional area, at the time of the arrest, there was mortal harm done to Sobell's possibility of receiving a fair trial. At the time the prosecution decided to question him, they learned he was on a trip to Mexico, and by their strategy, he was caused to be brought back, as more fully set forth in the record of the trial. A question was presented for the jury as to whether or not his presence in Mexico constituted "flight" and hence some evidence of consciousness of guilt. The prosecution's brief in the Circuit Court of Appeals (p. 2), concedes that this was a jury question. The prosecution even insisted that evidence of alleged "deportation" from Mexico was admissible, claiming:

"Had it not been for that evidence the jury might have inferred that Sobell returned to the United States

voluntarily (perhaps from a vacation in Mexico) and that he had always intended to do so" (Br. C.C.A., p. 65-66)

But the fact is that no juror who had read about the case in the newspapers - and the record shows that most of them had (R. 65) could have had an open mind in view of the publicity which was calculated to have the question whether or not his absence was "flight", prejudged and decided against Sobell, even before he had a chance to plead to the indictment. "F.B.I. Director Hoover said Sobell, who is accused of having a fled for Russia... fled from New York to Mexico City by plane after the arrest of David Greenglass, June 16" (Journal American, August 18, 1950 p. 1). "The family fled to Mexico City" (Journal American, August 24, 1950 p. 4); "Fleeing Radar Expert Nabbed as Atom Spy" (Daily News, three column headline, August 19, p. 2); "Korton Sobell, 33 year old radar expert.... caught on the lam in Texas.... was indicted with four other asserted members of the Klaus Fuchs - Harry Gold atomic spy ring yesterday" (Daily News, October 11, 1950, p. 4) "In Washington, F.B.I. Director Hoover said Sobell fled the U.S. in June to avoid arrest the day after the arrest of David Greenglass... The F.B.I. said that Sobell was so alarmed by the arrest of Greenglass that he took a plane for Mexico City" (N.Y. Post, August 18, 1950 p. 8)

Most extensive was the treatment of the subject by the New York Times, which added material never offered in evidence at the trial, and hence never subject to the rules of evidence or the test of cross-examination. It is not possible that the following was the work of an industrious reporter; the report is so soon after the event that it must have been "fed" by the prosecution:

Subheadline: "Believed to Have Gone to Get Passage to Soviet".

Subheadline: "Fled U.S. on June 21".

Text: "It is believed they were awaiting Russian visas for a Scandinavian country from which they would proceed to the Soviet Union or one of its satellites".

Text: "In addition, the engineer never got in touch with his employer, The Reeves Instrument Corporation".

25. By reason of proof to be tendered in the Rosenberg petition under Section 325b, it will be jointly claimed in behalf of all petitioners that the conviction herein was secured by employment of perjured testimony, known by, by the prosecution. While this witness did not name this petitioner, the case was tried on a theory of a single conspiracy, and hence, if the point be established, it should inure to the benefit of all defendants.

HOENBERG'S MOTION FOR A STAY OF TRANSFER

26. Petitioner's attorney has prepared this affidavit and petition under great time handicap and pressures as reflected in his earlier affidavit of November 19, 1952, in support of an application for a temporary stay of the transfer of petitioner from detention at New York, to the Federal Penitentiary at Alcatraz. I, therefore, beg leave to reserve the right to amend and supplement this petition and affidavit (a) by reference to any other or additional claim or ground that may be made on behalf of the Rosenbergs and which will be of a character that should inure to the benefit of Sobell; (b) by such additional claim or ground as may be fit or proper, pending final decision of this application.

27. By order to show cause, signed November 19, 1952, on the showing made on my affidavit of November 19, 1952, the Attorney General was stayed from transferring Sobell from the Federal Detention Headquarters on West Street, pending hearing on a motion to restrain such transfer. At a hearing at 5:30 P.M. November 19, 1952, the United States Attorney moved to vacate the stay before the Judge who signed the order (Weinfeld, I.J.) and the motion to vacate was denied. On the return date of the motion brought on for hearing by the order to show cause, the Court (Weinfeld, I.J.) ordered that the stay be continued until midnight, Tuesday, November 26, 1952. This relief was granted without prejudice, as I construe the Court's remarks, to a renewal of the application for a stay, at the time that this petition shall be presented.

20. On behalf of the petitioner, and with his express authorization, I do now hereby request that a further stay of his transfer be granted as provided for in the order to show cause presented with these papers. In paragraph 27 above, I have described the only previous application for this relief, and the extent to which it was granted. By its favorable disposition of the earlier application, the Court has ruled, after having heard the United States Attorney twice, that it had power to grant such relief. The question once more presented is as to whether the Court should exercise its power. As bearing on this question, in addition to the facts stated in my affidavits of November 14th and 21st, I desire to add: the petitioner is a scientist, and holder of a Master's degree. He is clear-thinking, articulate and at all stages, since I was retained to assist in his appeal to the Court of Appeals, has been concerned with the content of the legal arguments to be made on his behalf, and the briefs to be submitted. Not only has his desire to participate been keen, but his ability to do so has been noteworthy, in connection with preparation of briefs, and the consultations concerning the preparation of this petition. The question presented at this state, and on this application, is whether he may continue, pending such orders as this Court may make on the merits of this petition, to have the benefit of the advice of counsel charged with responsibility of prosecuting his petition, and the right to continue to contribute, in consultation, in the manner in which he heretofore has. In this connection, it is not without significance that he risked loss of many months' time by requesting that the Supreme Court stay the mandate of the Circuit Court, after affirmance; it is also significant that the Supreme Court granted the motion for stay of mandate (R.1715) upon the filing of a motion in which it was stated on petitioner's behalf: "Unless a stay of mandate as sought herein be granted, petitioner will be irreparably injured in that he will be transferred to a Federal Penitentiary outside of New York City and unable to consult with counsel during a vital period".

29. There can be no injury to the Government if the further stay sought herein be granted. Such a statement was made in my affidavit of November 19th, in support of a request for a temporary stay; no denial was made of the facts stated therein, nor even any affidavit tendered in opposition. The facts stated orally by the United States Attorney, in his application to vacate the stay, were found, on independent inquiry by the Court, to be inaccurate. It might seem reasonable, in view of this, to inquire, to the extent that the Court's discretion is involved here, into the motivation for the Government's opposition. In this connection, I think it proper to state that after petitioner's conviction, the penological judgment of the Bureau of Prisons impelled its Director to direct Sobell's transfer to Atlanta penitentiary. It was stated to me by Mr. Bennett on October 2, 1952, that it was not planned, as of that date, to change that destination. While there is not presented by this application any question as to the reviewability of Mr. Bennett's more recent decision, the Court, in exercising its discretion, should take into account the fact that petitioner is a young, personable individual, a first offender, with parents and a wife and two children residing in the New York area. In the light of these facts, and the judicially known character of Alcatraz as a place of confinement of unusually dangerous criminals, the decision to transfer him there seems wholly arbitrary, and to be the result of a judgment in no way affected by the proper administrative concern of the Bureau of Prisons.

30. Apart from these considerations, which bear on whether or not the presence of the prisoner is necessary, whether or not he is to testify, is the fact that it cannot now be stated with certainty whether it will be necessary for him to testify. In the event a factual hearing were required on the claims set forth in this and the Government's petition, it would seem most proper, if not required, that he be present; the scope of his

right, as declared by the Court of Appeals for this circuit is that
he be present and "free to testify" (U.S. v. Polla, 130 F.2d 445,
448)--a formulation making it unnecessary to make a definitive
determination that he will do so.

W. Howard G. Mason

worn to before me this
24th day of November, 1952.

U.S. District Court
Southern District of New York
City of New York
Compton

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

vs.

MORTON SOBELL,

CRIM. 134/245

Defendant.
----- x

Upon the annexed petition of MORTON SOBELL, dated the 24th day of November, 1952, and the affidavits of HOWARD N. MEYER, sworn to the 19th, 20th and 24th days of November, 1952, and upon the files and records of this case, let the United States Attorney show cause before this Court, at a Criminal Term thereof to be held at the Court House, Foley Square, on the _____ day of _____, 1952, at 10:30 A.M. on the forenoon of that day, or as soon thereafter as counsel can be heard, why an order should not be made, pursuant to 28 U.S.C. 2255 vacating and setting aside the judgment of conviction of Morton Sobell, defendant and petitioner herein, or in the alternative, granting a prompt hearing on this motion; and, sufficient cause appearing for this order, it is

ORDERED that service of a copy of this order and copies of the papers on which it was made, on the United States Attorney, on or before November _____, 1952, shall constitute sufficient service thereof, and it is further

ORDERED that pending the hearing and determination of this motion, the Attorney General or his representatives be, and they are hereby stayed from transferring defendant and petitioner from the Federal Detention Headquarters, New York City, to any Federal Penitentiary.

United States District Judge

lic is

herein. That on the _____ day of _____, 19____, _____
_____ he served the within

upon _____ the attorney _____ for the within named _____
by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post
Office—a Branch Post Office—a Post Office Box regularly maintained by the United States gov-
ernment at _____ in said County of _____ directed to said attorney
for the _____ at No. _____ N.Y., that being the
address within the state designated by _____ h _____ for that purpose upon the preceding papers in
this action, or the place where _____ h _____ then kept an office, between which places there then was and
now is a regular communication by mail.

Dependent is over the age of

Sworn to before me this
day of _____ 19__

14

[illegible][illegible]

...ent

3

2.1.1

City of New York
County of New York
State of New York
In the City and County of New York, on this 1st day of January, 1901, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

三

100

page and page 2 of a copy of the within is hereby admitted

They say, "Hill."

L. carolin.

Please take notice that the within is a true copy of a _____
this day duly made and entered herein in the
office of the Clerk of _____

Printed by John W. H. & Co., 100, York St.,
New York, N. Y.

11-107-11

Price and Post Office Address

Robert L. R. R.
New York City

[illegible]

There is no notice that in order of which the victim is a copy will be provided for settlement and entry herein to Mr.

118 Court at
the Court House of
the City of New York,
on the
day of
at 10:30 o'clock in the forenoon, or as soon there-
after as Counsel can be heard.
Dated, New York,

2015-16

[illegible]

Journal of Management Education 32(1)

Borough of Manhattan, New York City

[illegible]

Library for

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG, ETHEL ROSENBERG,
et al.,

C 134-245

Defendants.

On the annexed petition of Julius Rosenberg and Ethel Rosenberg, by Emanuel W. Bloch, their attorney, duly verified on the 24th day of November, 1952, and upon the indictment herein, and upon all the other papers and proceedings herein, LET the United States of America, or its attorneys, show cause before the Criminal Part of this Court, to be held in the Courthouse thereof, at Foley Square, in the Borough of Manhattan, City and State of New York, on the day of November, 1952, at o'clock in the noon of that day, or as soon thereafter as counsel can be heard, why an order should not be made and entered herein:

(1) vacating and setting aside the respective sentences of the petitioners and discharging them from detention and imprisonment; or

(2) in the alternative, granting a hearing on the petition herein to determine the issues and make findings of fact and conclusions of law, and upon such findings and conclusions, vacating and setting aside the respective sentences of the petitioners and discharging them from detention and imprisonment; and

(3) pending the determination of these proceedings, staying the United States of America, and any agency or agent thereof, from executing these petitioners, pursuant to the judgment herein, dated April 6, 1951, and the order of this Court, dated November 21, 1952; and from proceeding in any manner, or from taking any steps to, or tending to,

the execution of the aforesaid order; and
for such other and further relief as to this Court may seem
proper;

AND in the meantime, it is

ORDERED that pending the hearing and determination of this motion, the United States of America, and any agency or agent thereof, be, and it is hereby stayed from executing these petitioners, pursuant to the judgment and order above stated, and from proceeding in any manner or from taking any steps to, or tending to, execute the aforesaid judgment or order; SUFFICIENT reason appearing therefor from the petition above recited. LET service of a copy of this order and the papers upon which it is based, upon the United States of America on or before the day of November, 1952, be deemed sufficient.

Dated: New York, New York
November , 1952

U.S.D.C.

Sir—

Please take notice that the within is a true copy
of a
this day duly entered herein in the office of the Clerk
of

Dated, N. Y. 195

Yours, &c.,

Attorney for

Office and Post Office Address

New York City

To Esq.

Attorney for

Please take notice that the within

which is presented for settlement and signature
herein to the Hon.

one of the judges of the within named Court, at

Borough of

New York, on the day of

195 at M.

Dated, N. Y. 195

Yours, &c.,

Attorney for

Office and Post Office Address

New York City

To Esq.

Attorney for

Index No.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF

UNITED STATES OF AM.

V.

JULIUS ROSENBERG, et al.
ROSENBERG, et al.

WARD, et al.

ANDREW D. ELLER

Attorney for Defendant

Office and Post Office Address

Borough of

New York City

To

Attorney for

One and only service of a copy of

Dated, N. Y.

Attorney for

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

he is, as the [redacted] in the within action; that he has
read the foregoing [redacted] and knows the contents thereof; that
the same is true to his own knowledge, except as to the matters therein stated to be alleged on information
and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this [redacted] day of [redacted] 19[redacted]

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

he is the [redacted] of [redacted] being duly sworn, deposes and says that
the corporation named in the within entitled action; that he has read the foregoing
and knows the contents thereof; and that the same is true to his own knowledge, except as to the
matters therein stated to be alleged on information and belief, and as to those matters he believes it
to be true.

Deposant further says that the within this verification is made by deposition and not by
[redacted] is to cause the said
[redacted] to be taken and sworn to in the presence of the undersigned.

day of [redacted] 19[redacted]

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

I, the undersigned, being duly sworn, depose and say that I have personally served the within
[redacted] on the [redacted] at [redacted] on this [redacted] day of [redacted] 19[redacted]

Subscribed and sworn to before me this [redacted] day of [redacted] 19[redacted]

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF

I, the undersigned, being duly sworn, depose and say that I have personally served the within
[redacted] on the [redacted] at [redacted] on this [redacted] day of [redacted] 19[redacted]

Subscribed and sworn to before me this [redacted] day of [redacted] 19[redacted]

INDIVIDUAL VERIFICATION

STATE OF NEW YORK,
CITY OF NEW YORK,
COUNTY OF

above named, being duly sworn, deposes and says that he is the
in the within action, that he has read and knows the contents of the foregoing
that the same is true to his own knowledge, except as to the matters
therein stated to be alleged on information and belief, and that as to those matters he be-
lieves it to be true.

Sworn to before me this
day of

19

CORPORATION VERIFICATION

STATE OF NEW YORK,
CITY OF NEW YORK,
COUNTY OF

being duly sworn, deposes and says that
he is the of the herein
that he has read the foregoing
and knows the contents thereof, and that the same is true to his own knowledge, except as to the
matters herein stated to be alleged upon information and belief, and that as to those matters he
believes it to be true.

Deponent further says that the reason this verification is made by deponent and not by the
is because the said
corporation, and deponent an officer thereof, to wit its

Sworn to before me this
day of

19

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK,
CITY OF NEW YORK,
COUNTY OF

being duly sworn, deposes
and says, that he is over the age of years. That on the
day of at No. 19
in the Borough of City of
served the foregoing upon

In this action, by delivering to and leaving personally with said

Deponent further says, that

addressed, to be

he knows the person

the person mentioned and described in said

served as

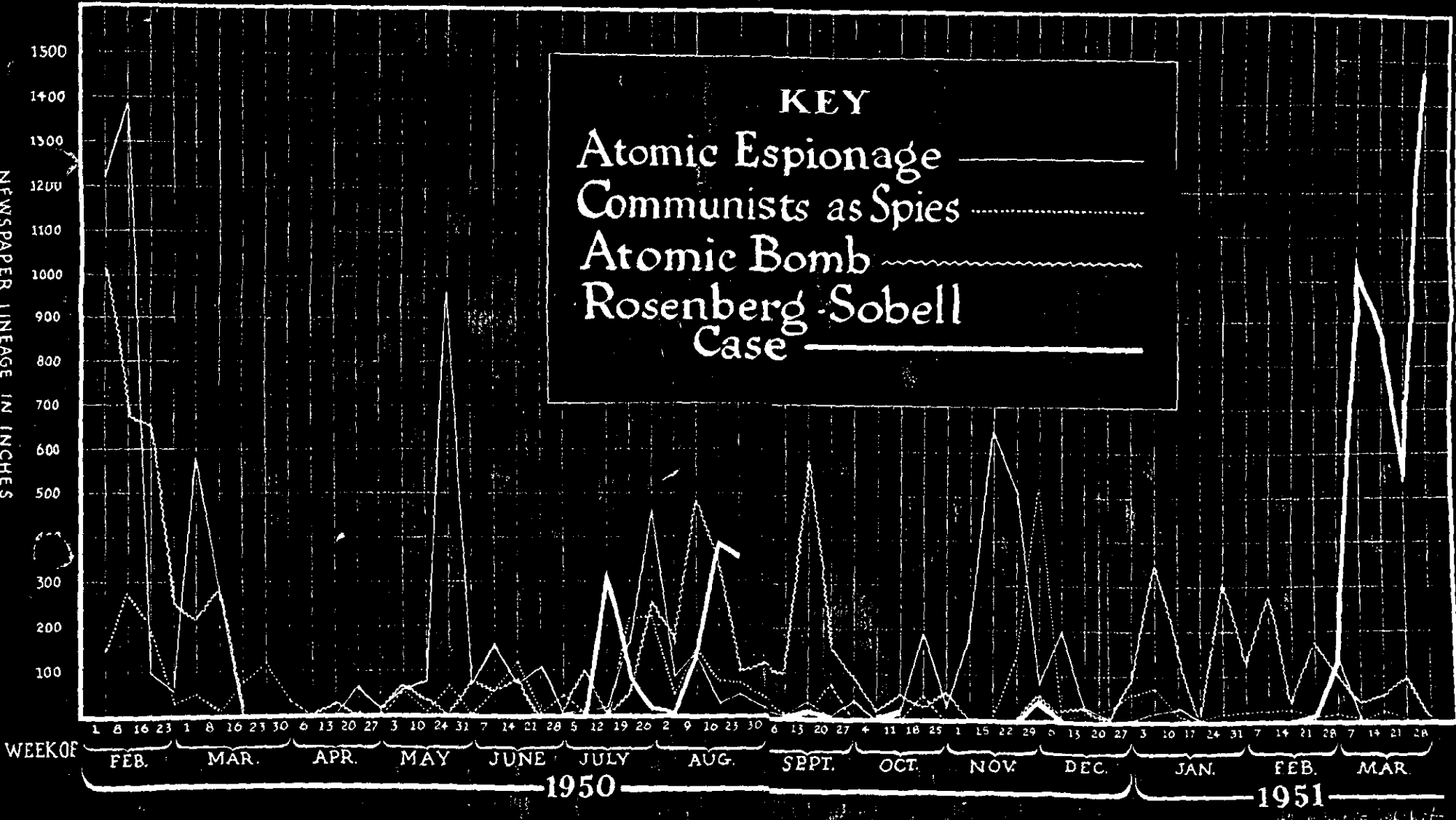
as the

therein

QUANTITATIVE REPORTAGE

Feb. 1, 1950 to April, 3, 1951

NEWSPAPER LINEAGE IN INCHES



Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: 12/10/52

FROM : SAC, PHILADELPHIA (65-4350)

SUBJECT: ETHEL ROSENBERG,
JULIUS ROSENBERG
ESPIONAGE - R
(Origin, New York)

On 12/4/52, Warden G. W. HUMPHREY, U. S. Penitentiary, Lewisburg, Pa., confidentially furnished SA W. JAMES WOOD a letter directed to him, which reads as follows:

11/26/52
Chicago, Ill.

"Kindly forward address of the Rosenberg's lawyer. I have a few facts for him concerning his case."

"Respectfully yours,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-27-86 BY 3042 pwt-tjc

/s/ L. W. MENDELSON
c/o General Delivery
Chicago, Ill. P.O."

Warden HUMPHREY advised that neither of the ROSENBERGS has ever been incarcerated at Lewisburg, and that no reply would be given to the above letter. The above letter was transmitted in an envelope postmarked at Chicago, 11/26/52, and bearing the above return address.

Warden HUMPHREY furnished the above letter to SA WOOD and it is being transmitted to the Chicago Office for the information of that office.

WJW:HMH

CC: 1 - New York (65-15348)
2 - Chicago (Encl.)

RECORDED - 11 | 65-58236-1358
INDEXED - 71
DEC 11 1952

Let to Chicago
SAC - 1/11/53
cc - 1/11/53
12-31-52
FPL

R9-1

I.R. 2

SAC, Chicago

December 31, 1952

RECORDED - 51
Director, FBI (65-38236) 1358

JULIUS ROSENBERG, et al
ESPIONAGE - R

EX-113
Re Philadelphia let 12-10-52. Bufiles fail to reflect any information identifiable with H. J. Mendelsohn. Chicago is requested to identify this individual and submit its recommendations to the Bureau for an interview with him.

cc - 2 - Philadelphia (65-4350)

cc - 2 - New York (65-15348)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 put-B/c

APL:brg
big

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Laughlin _____
Mohr _____
Tele. Rm. _____
Holloman _____
Gandy _____

COMM - FBI

DEC 31 1952

MAILED 61

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: December 9, 1952

FROM : MR. V. P. KEAY

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

Tolson	
Ladd	
Nichols	
Belmont	
Clegg	
Glavin	
Harbo	
Rosen	
Tracy	
Harbo	
Tele. Rm.	
Nease	
Gandy	

Supervisor McAndrews of the New York Office advised telephonically today that it has been ascertained strictly confidentially that Judge Ryan will hand down a decision tomorrow on the motions pending relating to the case of Julius and Ethel Rosenberg and Morton Sobell. The decision will deny the motions completely and will not call for the taking of any oral testimony.

Mr. McAndrews advised that they would get a copy of the decision, which is supposed to be about 50 pages long, and will furnish it to the Bureau as soon as possible.

VPK:mer

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 put Doc

G.I.R.-3

RECORDED-45

65-58236-1359

DEC 17 1952
619

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

AIR ~~TEL~~-----

New York, New York
December 2, 1952

Transmit the following Teletype message to: BUREAU
JULIUS ROSENBERG, ET AL, ESPIONAGE DASH R. HEARING BEFORE JUDGE
RYAN WAS RESUMED AT ONE THIRTY PM TODAY. ORAL ARGUMENTS ON
POINTS TAKEN UP BY BLOCH AND MEYER WERE MADE AT LENGTH. DURING
THESE ARGUMENTS JUDGE RYAN INDICATED THAT HE SAW NO MERIT TO
THEIR ARGUMENTS CONCERNING NEWSPAPER PUBLICITY OR THROUGH THE
RETURN OF THE INDICTMENT AGAINST WILLIAM PEARL. RYAN STATED
THAT DEFENDANTS AND THEIR COUNSEL WERE MEMBERS OF THE COMMUNITY
OF NYC AND IN THE NORMAL COURSE OF EVENTS, WOULD HAVE BEEN AWARE
OF THE EFFECTS OF THE NEWSPAPER PUBLICITY ON THE CASES AND THAT
COUNSEL SHOULD HAVE ASKED FOR A CONTINUANCE OR OTHER RELIEF
DURING THE TRIAL. JUDGE RYAN AGAIN INDICATED THAT HE PLACED NO
WEIGHT IN THE AFFIDAVIT OF THE FOREIGN SCIENTISTS ON THE CREDIT-
ABILITY OF DAVID GREENGLASS OR ON HIS ABILITY TO REMEMBER THE
TECHNICAL DATA THAT WAS TRANSFERRED TO THE ROSENBERGS. HOWARD
MEYER MADE A REQUEST TO HAVE MORTON SOBELL BROUGHT BACK FROM
ALCATRAZ TO NY. THIS REQUEST WAS DENIED BY JUDGE RYAN ON THE
GROUNDS THAT HE SAW NO NECESSITY FOR SOBELL'S PRESENCE TO
TESTIFY. HE ADDED THAT IF PAPERS TO BE FILED INDICATED THAT
IT WAS NECESSARY FOR SOBELL TO TESTIFY, HE COULD BE BROUGHT
BACK BUT UP TO THE CURRENT TIME HE SAW NO NECESSITY FOR HIS

(3-Bureau

1-NY 100-37158

1-NY 65-15387

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7-22-86 BY 3042

53

165-58236-1360

DEC 8 1952

COPIES DESTROYED (6)

486 65-15348

Approved: *LVB*

Special Agent in Charge

Sent _____ M Per _____

6 DEC 17 1952

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
PAGE TWO

Transmit the following Teletype message to:
NY 65-15348

PRESENCE. BLOCH ASKED FOR A STAY OF THE EXECUTION OF THE ROSENBERGS. JUDGE RYAN DENIED THIS APPLICATION, STATING THAT HE INTENDED TO RENDER HIS DECISION BY MONDAY, DECEMBER EIGHT NEXT. JUDGE RYAN FURTHER STATED THAT ALL ADDITIONAL AFFIDAVITS MUST BE SUBMITTED BY NOON OF FRIDAY, DECEMBER FIVE AND THAT IF NO ADDITIONAL INFO APPEARED IN THESE AFFIDAVITS, THERE WOULD BE NO ORAL HEARING ON ANY OF THE POINTS RAISED. BUREAU WILL BE ADVISED OF DEVELOPMENT.

BOARDMAN

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

cc: Mr. Boardman

AIR-TEL

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NEW YORK, NEW YORK
DECEMBER 2, 1952

Transmit the following Teletype message to:

JULIUS ROSENBERG, ETAL; ESP DASH R. HEARING ON PROCEEDING UNDER SECTION TWO TWO FIVE FIVE RESUMED AT ELEVEN TEN AM BEFORE JUDGE RYAN. BLOCH, ATTORNEY FOR THE ROSENBERGS, ADVISED THE COURT THAT IT WOULD BE NECESSARY FOR HIM TO CALL ORAL WITNESSES IN SUPPORT OF HIS POINT ONE. HE STATED ALL NY, WASHINGTON, DC, UP AND AP REPORTERS WOULD BE CALLED TO DEMONSTRATE THAT DIRECTOR HOOVER AND AG MC GRATH ISSUED JOINT STATEMENTS FROM WASHINGTON AND SAYPOL AND AUSA'S MADE STATEMENTS IN NYC TO INFLAME PUBLIC ATMOSPHERE. RYAN RULED IT WAS UNNECESSARY TO CALL THESE PEOPLE. HE GRANTED BLOCH PERMISSION TO SUBMIT AFFIDAVITS OF ANY REPORTERS AND AFTER READING SUCH AFFIDAVIT HE WOULD DETERMINE WHETHER IT WOULD BE NECESSARY FOR THEM TO GIVE FULL TESTIMONY. RYAN ADVISED BLOCH THAT THIS PROCEEDING COULD NOT BE USED TO BEGIN AN EXPLORATORY JOURNEY AND THAT NO ORAL TESTIMONY WOULD BE NEEDED UNLESS THE AFFIDAVITS SHOWED A BASIS. HE ADVISED THAT THIS PROCEEDING COULD NOT UNDULY DELAY THE PROCESSES OF COURT AND GAVE HIM UNTIL FRIDAY NOON TO SUBMIT ADDITIONAL AFFIDAVIT. HE ALSO STATED THAT NO SUBPOENA WOULD BE ISSUED FOR ANY WITNESS WITHOUT THE AUTHORITY OF THE COURT.

BLOCH ASKED TO OFFER AS A WITNESS AN EXPERT IN MASS PSYCHOLOGY. RYAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 jmt-dlc

3 - Bureau
1 - NY 100-37158
1 - NY 65-15387

JAH:MMS (#6)
65-15348

65 DEC 17 1952

RECORDED-65-58236-1361
DEC 18 1952

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

PAGE TWO

Transmit the following Teletype message to:

ASKED IF HE WAS REFERRING TO THE SO CALLED POLL EXPERT AND FINALLY RULED THAT HE WOULD NOT HEAR ANY TESTIMONY FROM SUCH AN INDIVIDUAL. ON POINT TWO ON THE PERJURED TESTIMONY OF DAVID GREENGLASS, BLOCH WISHED TO SUBPOENA SUPREME COURT JUSTICE IRVING SAYPOL AND JUDGE IRVING H. KAUFFMAN. BLOCH STATED THAT THIS WAS NECESSARY ON THE BASIS OF AN OFF THE RECORD COLLOQUY. BLOCH STATED THAT ON THE BASIS OF THIS COLLOQUY, HE DID NOT MOVE FOR A MISTRIAL ON THE TIMING OF THE PERL INDICTMENT. RYAN REFUSED TO CALL SAYPOL AND KAUFFMAN. BLOCH STATED HE WISHED TO CALL SAYPOL TO PROVE THERE WAS SUPPRESSION OF ~~ON~~ MATERIAL EVIDENCE DURING TRIAL. RYAN ASKED HIM WHAT EVIDENCE WAS SUPPRESSED. BLOCH ANSWERED THAT GREENGLASS WAS PERMITTED TO TESTIFY THAT HE COOPERATED WITH AUTHORITIES FROM THE BEGINNING, AND AFTER THE TRIAL SAYPOL GAVE A STATEMENT TO THE PRESS THAT THIS WAS NOT SO. RYAN ASKED WAS GREENGLASS A WITNESS AND CROSS DASH EXAMINED. WHEN BLOCH ANSWERED YES, RYAN REFUSED TO SUBPOENA SAYPOL. BLOCH THEN ASKED TO SUBPOENA O. JOHN ROGGE, MR. FABRICANT, MR. GORDON AND RUTH GREENGLASS TO PROVE THAT A DEAL WAS MADE BETWEEN USA AND THE GREENGLASSES TO PROCURE A LENIENT SENTENCE FOR DAVID AND TO LET RUTH OFF FREE. RYAN ASKED WHAT INFORMATION DO YOU HAVE BEYOND THE SUSPICION THAT IT WAS A DEAL. HE ASKED IF BLOCH HAD STATED HIS GROUNDS FOR THIS SUSPICION. BLOCH ANSWERED YES AND RYAN GRANTED HIM UNTIL FRIDAY NOON TO AMPLIFY BY AFFIDAVIT HIS CHARGES. RYAN STATED THAT THE ALLEGATION

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

PAGE THREE

Transmit the following Teletype message to:

OF BLOCH WAS VERY SERIOUS AND SHOULD BE MADE ON BASIS OF FACT AND THE
FACTS SHOULD BE PRESENTED TO THE COURT IN AFFIDAVITS. BLOCH ASKED
IF HE WOULD HAVE TO SUPPLY ALL OF HIS SOURCES INCLUDING CONFIDENTIAL
INFORMANTS. RYAN TOLD HIM ~~QUOTE~~ "YOU SHOULD SET FORTH FACTS AND SOURCES
INCLUDING CONFIDENTIAL INFORMANTS. ~~UNQUOTE~~. BLOCH THEN STATED HE DESIRED
TO SUBPOENA SCIENTISTS WHO RESIDE OUTSIDE THE COUNTRY TO TESTIFY TO
THE EFFECT THAT DAVID GREENGLASS WAS COACHED IN CONNECTION WITH THE
TRIAL PREPARATION OF SKETCHES OF THE LENS MOLD AND CROSS SECTION OF
THE ATOM BOMB. THEY ARGUED THAT IT WAS INCREDIBLE THAT DAVID GREENGLASS
FIVE OR SIX YEARS AFTER RECEIVING THE INFORMATION WAS CAPABLE OF
DRAWING REPLICAS WITHOUT OUTSIDE HELP, BOOKS OR SCIENTIFIC JOURNELS.
RYAN STATED THAT THE AFFIDAVITS OF THE SCIENTISTS CONTAINED EXPRESSIONS
OF THEIR OPINION THAT DAVID GREENGLASS TESTIFIED FALSELY AND UNTRUELY.
HE STATED THAT THE TRUTH OF DAVID'S STATEMENTS WAS TO BE TRIED BY THE
TRIAL JURY AND DECLINED TO TAKE ANY TESTIMONY FROM THESE EXPERTS THAT
DAVID HAD COMMITTED PERJURY. ON POINT THREE BLOCH ALLEGED THAT THE
TRANSFER OF MATERIAL FROM DAVID GREENGLASS TO JULIUS ROSENBERG WERE
PUBLIC PROPERTY AND WERE NOT SECRET. HE STATED THAT HE WOULD SHOW
ALL OF THE PROCESSES THAT WENT INTO THE CONSTRUCTION OF THE ATOM BOMB
WHEN KNOWN ALL OVER THE WORLD AND THAT THE CLASSIFICATION OF THEM BY
THE MILITARY WAS ARBITRARY AND CAPRICIOUS. RYAN STATED THAT THE CHARGE

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

PAGE FOUR

Transmit the following Teletype message to:
WAS CONSPIRACY TO COMMIT ESPIONAGE. BLOCH STATED THAT HE HAD NO OPPORTUNITY DURING THE TRIAL TO SEND THROUGHOUT THE COUNTRY PEOPLE TO DETERMINE THE FACT THAT THE MATERIAL WAS NOT SECRET. RYAN ASKED HIM IF HE MADE AN APPLICATION TO THE COURT FOR ASSISTANCE IN THIS REGARD. HE SAID NO. BLOCH THEN ASKED THE COURT TO DIRECT THE GOVERNMENT TO SUBMIT ALL PRESS RELEASES ISSUED BY THE DEPARTMENT OF JUSTICE PROSECUTING OFFICIALS IN RESPECT TO THE CASE. IN ANSWER TO THIS HE ASKED FOR THE JUDGE TO PERMIT HIM TO SUBPOENA MINUTES OF THE GRAND JURY SITTING FROM AUGUST, NINETEEN FIFTY TO MARCH FIFTEENTH, FIFTYONE, PARTICULARLY IN CONNECTION WITH THE PERL INDICTMENT, AND THE FACT THAT THE GOVERNMENT HAD KNOWLEDGE OF PERL'S PERJURY LONG BEFORE THE ROSENBERG TRIAL AND HIS ARREST WAS TIMED TO TAKE PLACE DURING THE TRIAL. RYAN DENIED THE APPLICATION. BLOCH THEN ASKED THAT ON THE SCHNEIDER TESTIMONY HE WOULD OFFER NO PROOF BECAUSE THE GOVERNMENT HAD ADMITTED THAT IT USED PERJURED TESTIMONY DURING THE TRIAL AS WAS SET FORTH IN THE AFFIDAVIT OF SA JOHN A. HARRINGTON. RYAN RULED THAT IT WAS NOT NECESSARY TO TAKE ANY ORAL TESTIMONY ON ANY OF BLOCH'S POINTS AND INDICATED THAT HE WOULD MAKE A RULING ON FRIDAY NEXT. HOWARD MEYER ARGUED FOR SOBELL AND JOINED WITH THE APPLICATIONS MADE BY BLOCH. AFTER ARGUMENT RYAN STATED ^{//}QUOTE WHERE THERE IS AN ISSUE OF FACT THE COURT MUST TAKE TESTIMONY, BUT WHERE NO ISSUES OF FACT ARE RAISED, THIS PROCEEDING WILL NOT BE USED TO

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

PAGE FIVE

Transmit the following Teletype message to:

AGRAIN TRY THE FACTS THAT HAVE ALREADY BEEN TRIED IN THE DISTRICT COURT "UNQUOTE. AUSA KILSHEIMER THEN STATED THAT THE GOVERNMENT DID NOT DISPUTE THE FACT THAT PRESS RELEASES HAD BEEN PRINTED AND HAD BEEN OBTAINED FROM GOVERNMENT SOURCES, BUT HE ARGUED THERE WAS NO NEED THAT THESE PRESS RELEASES OF THE FBI OR DEPARTMENT SHOULD BE SUBMITTED TO THE COURT. RYAN RULED THAT BLOCH'S APPLICATION TO FILE ALL PRESS RELEASES WAS DENIED. BLOCH THEN MENTIONED THE DULANEY CASE IN BOSTON AND RYAN STATED THAT IN THAT CASE THE DEFENDANT OBJECTED TO PROCEEDING WITH THE TRIAL ON THE BASIS OF PRE DASH TRIAL PUBLICITY. HE NOTED THAT BLOCH AT NO TIME DURING THE TRIAL MADE AN APPLICATION FOR A CONTINUANCE. RYAN THEN CAUTIONED ALL COUNSEL THAT THERE WERE STATEMENTS IN THE PAPERS FILED WITH HIM THAT DO NOT PERTAIN TO LEGAL DRAFTSMANSHIP AND CAUTIONED ALL COUNSEL TO REMAIN WITHIN THE LEGAL QUESTIONS IN THEIR ORAL ARGUMENTS. COURT THEN RECESSED AND ORAL ARGUMENT WILL RESUME AT ONE THIRTY PM. RYAN EXPECTS ARGUMENTS TO BE COMPLETED THIS PM OR AT THE EARLIEST TOMORROW AM. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

BOARDMAN

CO: MR. BELMONT
DOMESTIC DIVISION

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FBI, SAN FRANCISCO

DECEMBER 10, 1952

Air-Tel

11111111

DIRECTOR, FBI (100-2483)

JULIUS ROSENBERG

Mr. Tolson _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Belmont _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Hendon _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Mr. Nease _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

MORTON SOBELL, MSP DASH R. WARDEN SWOPE, ALCATRAZ PRISON, ADVISED THAT AN INDIVIDUAL WHO IDENTIFIED HIMSELF AS BLANK SCHERIN, ADAMS HOTEL, OAKLAND, CALIF. AND STATED HE WAS FROM THE EAST, TELEPHONICALLY REQUESTED AT FOUR TWENTY P.M., DEC, NINE, TO BE ALLOWED TO SEE SUBJECT AS HE HAD INFORMATION OF VITAL IMPORTANCE TO THE LIVES OF THE ROSENBERGS. SWOPE REFUSED THE REQUEST AND ADVISED HE WOULD HAVE TO CHECK ON SCHERIN. SCHERIN REFUSED TO STATE FULL NAME AND ADVISED HE DID NOT WANT TO TALK TO THE FBI. MANAGER, CLAUDE WOOD, ADAMS HOTEL, ADVISED THAT ONE [REDACTED] SCHERIN REGISTERED ON MAY TWENTYTWO, LAST, FROM SUREKA, NO STATE SPECIFIED. SCHERIN, ACCORDING TO WOOD, IS ALONE, HAS NO APPARENT ASSOCIATES AND COMES AND GOES FROM THE HOTEL EACH DAY, BUT HIS OCCUPATION OR EMPLOYMENT IS UNKNOWN. NO FURTHER ACTION BEING TAKEN HERE. NO RECORD SCHERIN SF FILES.

FPP/ajs
65-4228

cc: NEW YORK (100-37158 and 65-15348)
MORRAN (65-15348)
S.F. (65-4219)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 pwt-DTC

65-5823-
NOT RECORDED
29 DEC 18 1952

INITIALS ON ORIGINAL

100-2483-1050

ORIGINAL FILED IN

AIR-TEL
DECEMBER 13, 1952 - URGENT

SAC, SAN FRANCISCO (65-4238)

65-58236-✓
MORTON SOBELL, WAS, ESPIONAGE DASH B. REURAIRTEL DECEMBER TEN.
BUFILES CONTAIN NO IDENTIFIABLE INFORMATION ON SCHERIN. ENDEAVOR
TO INTERVIEW SCHERIN, POINTING OUT FBI IS FACT FINDING AGENCY
AND HAS RESPONSIBILITY OF IMPARTIALLY DEVELOPING ALL FACTS IN
CASE; FURTHER, FBI IS JUST AS INTERESTED IN MAKING JUSTICE DONE
AS HE IS. IMPRESS UPON HIM HIS MORAL RESPONSIBILITY TO GOVERNMENT
AS WELL AS TO ROSENBERGS TO FURNISH US ANY INFORMATION HE MAY HAVE
WHICH MIGHT SAVE THEM. ALSO THROUGH INTERVIEW, ATTEMPT TO
ASCERTAIN SCHERIN'S BACKGROUND. EXPEDITE AND ADVISE BUREAU OF
ANY IMPORTANT DEVELOPMENTS.

HOOVER

CC - 2 - NEW YORK (100-37180)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 put-BK

101-2483

✓ 65-58236

APL:brg

DEC 30 1952

DUPLICATE YELLOW

101-2483-1050

ORIGINAL FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: December 10, 1952

FROM : MR. W. V. CLEVELAND

SUBJECT:

JULIUS ROSENBERG
ETHEL ROSENBERG
MORTON SOBELL
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22/86 BY 3042 put-DK

Tolson	
Ladd	
Nichols	
Belmont	
Mohr	
Glavin	
Rosen	
Tracy	
Harbo	
Tele. Rm.	
Nease	
Gandy	

At 11:45 a.m., December 10, 1952, Supervisor Tom McAndrews of the NYO telephonically advised that at 11:30 a.m., December 10, in the presence of members of the press, Judge Ryan handed down a decision in connection with the motions in captioned case.

Judge Ryan denied in all respects the motions of the above-named defendants. He refused to grant a stay of execution and likewise refused to take oral testimony. McAndrews advised that Judge Ryan's opinion is 28 pages in length and that the NYO is presently attempting to obtain a copy of the opinion and will forward it to the Bureau as soon as obtainable.

ACTION:

None. The above is for your information.

WVC:LL

cc-Mr. Nichols

74 DEC 11 1952

619

EX-115

RECORDED - 44

65-58236-1362

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 5 - 1952

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 Jmt/3c

TELETYPE

FBI

NYC

12-5-52

10-17

PM

DIRECTOR

URGENT

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Laughlin	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	JJM
Mr. Holloman	
Miss Gandy	

DAYLET. JULIUS ROSENBERG, ET AL, ESPIONAGE DASH R, POLICE COOPERATION.
MR. KELLY, PRINCIPAL KEEPER AT SING SING PRISON, WAS ADVISED OF THE
PROPOSED "CLEMENCY TRAIN" SCHEDULED BY CRC TO VISIT
JULIUS AND ETHEL ROSENBERG ON DEC. FOURTEEN NEXT. THIS INFO WAS
RELEVED BY MR. KELLY TO NY STATE COMMISSIONER OF CORRECTION. AS
A RESULT A CONFERENCE IS SCHEDULED FOR TEN A. M., SIX NEXT AT
COURTHOUSE, WHITE PLAINS, NY. THE FOLLOWING WILL BE IN ATTENDANCE-
MR. DONOVAN, NY STATE COMMISSIONER OF CORRECTION, A REPRESENTATIVE
OF STATE POLICE, SPENCE PURDY, CHIEF OF PD, OSSINING, GEORGE
FANELLI, DA, WESTCHESTER COUNTY, JOHN HOY, SHERIFF. HOY IS AN
NA MAN AND ADVISED OF THIS CONFERENCE. PAUL D. MC GINISS, DEPUTY
COMMISSIONER, NY STATE DEPT. OF CORRECTION AT A CONFERENCE IN THIS
OFFICE, REQUESTED INFO CONCERNING PROPOSED TRIP SPONSORED BY CRC. KNOWN
FACTS CONCERNING TRIP WERE GIVEN TO MR. MC GINISS. HE WAS ESPECIALLY
INTERESTED IN NUMBER OF PEOPLE WHO WILL MAKE TRIP. HE WAS ADVISED
THAT INFO COMING TO ATTENTION OF THIS OFFICE CONCERNING THIS TRIP
WOULD BE GIVEN TO OFFICIALS AT SING SING FOR RELAY TO HIM. HE
ADVISED THAT THE PURPOSE OF CONFERENCE ON THE SIXTH NEXT WAS TO
MAKE PLANS TO GUARD THE AREA OF SING SING IN THE EVENT ANY RIOT

END OF PAGE ONE

70 DEC 18 1952

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486 NOV 9 1950

1
Jmt
cc Belmont

PAGE TWO

OR OTHER DISTURBANCE WAS MADE BY GROUP GOING TO CALL ON THE ROSENBERGS. HE ADVISED THAT OFFICIALS OF HIS DEPT AND OF WESTCHESTER COUNTY WERE CONCERNED ABOUT ANOTHER QUOTE PEEKSKILL INCIDENT UNQUOTE. HE AGREED THAT THE PLANS TO BE MADE AT THE SCHEDULED CONFERENCE WERE PRIMARILY FOR THE GUARDING OF SING SING AND WERE PRINCIPALLY THE PROBLEM OF HIS DEPT, SING SING OFFICIALS, AND STATE AND LOCAL POLICE. ACCORDINGLY, THERE WOULD BE NO NEED FOR ATTENDANCE BY BUREAU AGENTS. THE NATIONAL GUARDIAN OF DEC. FOUR ON PAGE EIGHT STATES QUOTE PREPARATIONS CONTINUED FOR A NATIONWIDE CLEMENCY GATHERING TO BE HELD IN WASHINGTON, D. C. ON JAN. FOUR AND FIVE. IT WAS ALSO ANNOUNCED THAT A PRAYER VIGIL ON THE WHITEHOUSE LAWN TO BE CONDUCTED TWENTYFOUR HOURS A DAY FOR EIGHTEEN DAYS WILL BEGIN ON DEC. TWENTYFOUR UNQUOTE. BUREAU WILL BE ADVISED OF FURTHER INFO CONCERNING PLANNED TRIP TO SING SING.

*WHITE HOUSE
Clemency gathering
Prayer Vigil
Dec 24-31*

BOARDMAN

END

10-23 PM OK FBI WA VH

10. m. D. [unclear]

FEDERAL

BUREAU OF INVESTIGATION

CONFIDENTIAL

FORM NO. 1

THIS CASE ORIGINATED AT

NEW YORK

FILE NO.

ETM

REPORT MADE AT NEW YORK	DATE WHEN MADE 12/10/52	PERIOD FOR WHICH MADE 8/5;-11/14/52	REPORT MADE BY JOHN A. HARRINGTON
TITLE JULIUS ROSENBERG; ET AL			CHARACTER OF CASE ESPIONAGE - R

SYNOPSIS OF FACTS:

see RFB
12/10/52
A-65

Petition for a writ of certiorari denied by Supreme Court on 10/13/52 with only JUSTICE BLACK voting that petition should be granted. Motion for leave to file a brief by National Lawyers Guild as amicus curiae was denied 10/13/52. On 10/15/52, the Supreme Court granted a stay which permitted EMANUEL H. BLOCH 15 days to file a petition for a rehearing. The Government did not file any brief in opposition to this petition. On 11/17/52, the Supreme Court denied the petition of subjects for a rehearing. Again JUSTICE BLACK voted to grant the petition. Supreme Court denied application of National Committee To Secure Justice In The Rosenberg Case to file brief containing 50,000 names. DAVID GREENGLASS re-interviewed concerning unknown consultant friend of JULIUS ROSENBERG. Interview set forth in brief. RUTH and BERNARD GREENGLASS have no further information concerning this individual. BERNARD GREENGLASS has contacted DAVID ROSENBERG and together have examined the trial record in the office of EMANUEL H. BLOCH. The latter is attempting to persuade BERNARD to visit DAVID at Lewisburg and secure from DAVID a statement that he did not recall the technical data about the atom bomb, but was coached by some officer in the Government.

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-P-

APPROVED AND FORWARDED: NOV 9 1952	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPY IN FILE		65-158236-13	INDEXED-3
⑥ - Bureau (65-58236)(RM) 1 - Albany (Info)(RM) 1 - Baltimore (Info)(RM) Copies continued 6-- New York (65-15348) (1 - Subfile B)		DEC. 15 1952	RECORDED-30

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~~CONFIDENTIAL~~
67 DEC 22 1952

NY 65-15348

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1 - New Haven (Info)(RM)
1 - Philadelphia (Info)(RM)
1 - Pittsburgh (Info)(RM)
1 - San Francisco (Info)(RM)
1 - Washington Field (Info)(RM)

NY 65-15348

DETAILS:

I. PROSECUTIVE ACTION IN
U. S. SUPREME COURT

A. Denial of Petition for Certiorari

On October 13, 1952, SA HOWARD FLETCHER, JR., of the Washington Field Office, examined the records of the Clerk of the United States Supreme Court and reported that case number 111, petitions for writ of certiorari of JULIUS and ETHEL ROSENBERG were denied on that date. Mr. JUSTICE BLACK alone was of the opinion that the petition should be granted. The motion of the National Lawyers Guild for leave to file a brief as amicus curiae was denied by the Supreme Court on October 13, 1952.

B. Stay Granted By Supreme Court

On October 15, 1952, SA HOWARD FLETCHER, JR., of the Washington Field Office, examined the records of the Clerk of the United States Supreme Court and reported that the stay was granted by the Supreme Court on that day permitting JULIUS and ETHEL ROSENBERG, through their attorney, 15 days to file a petition requesting a rehearing of their appeal.

C. Petition of JULIUS and ETHEL ROSENBERG for Rehearing in the
U. S. Supreme Court

On October 28, 1952, EMANUEL H. BLOCH, Attorney for JULIUS and ETHEL ROSENBERG, filed a petition for a rehearing on behalf of JULIUS and ETHEL ROSENBERG. Assistant United States Attorney JAMES B. NILSMEIER III made available a copy of the petition that he had received from BLOCH. This petition recites five reasons why a rehearing should be granted and a writ of certiorari issued.

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Point One

BLOCH, in point one, again discusses the Espionage Act as construed by the courts and contends as applied to instant case violates Article 3, Section 3 of the Constitution of the United States which states "Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or on confession in open court". BLOCH states that the petitioners were subjected to a treason prosecution under color of a charge of conspiracy to commit espionage. This was a point he raised on his petition for rehearing in the Circuit Court of Appeals.

Point Two

In this point BLOCH continues his argument regarding the espionage statute and treason, and claims that the trial court read the espionage act to permit its intent to be proven by evidence demonstrative of a "general intent to betray" thereby transformed that law by judicial fiat into a "treason" statute and the trial of the petitioners into a "treason" trial.

Point Three

In this point BLOCH contends that the admission of the Communist affiliations of the petitioners was error and that this evidence was "highly inflammatory" and prejudicial to the defendants.

Point Four

In this point BLOCH in substance charged that the sentences of death were based on untrue assumptions and referred to the remarks of Judge IRVING R. KAUFMAN at the time of the sentence of the ROSENBERGS.

Point Five

In this point BLOCH refers to the excessiveness of the sentences imposed on the ROSENBERGS. BLOCH refers to Section 2106 of Title 28, U.S.C.A. which empowers the Supreme Court to modify, affirm, vacate, set aside or review any judgement.

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BLOCH contends that the sentence "was a product of the abandonment of rational standards". Judicial balance gave way to unjudicial surrender to the political clamor that invaded this case. This court, the ultimate protector of the accused, helpless against the forces of passim and prejudice, has the responsibility to remedy the irreparable and imminently irrevocable harm suffered by these petitioners.

Assistant United States Attorney JAMES B. KILSHEIMER III advised that the Government did not file any brief in opposition to the petition for a rehearing.

D. Denial of Petition for Rehearing in Supreme Court

On November 17, 1952, the United States Supreme Court denied the petition of subjects for a rehearing by a vote of eight to one. JUSTICE BLACK alone voted to give them a hearing.

JUSTICE FRANKFURTER filed a memorandum opinion in which he stated that the Supreme Court of the United States had no power to change a sentence imposed by a justice in the United States District Court. He further stated that it was primarily the responsibility of the Circuit Court of Appeals to review the record of a trial in a district court. He stated that in the case of the ROSENBERGS the Circuit Court of Appeals had carefully analyzed the trial record and found no error. He stated that there was no reason why the Supreme Court should review the decisions of the lower court.

II. RE-INTERVIEW OF DAVID
GREENGLASS REGARDING
UNKNOWN CONSULTANT CONTACT
OF JULIUS ROSENBERG

DAVID GREENGLASS was re-interviewed at the United States Penitentiary at Lewisburg, Pennsylvania, by SA H. JAMES WOOD, concerning his recollection of the unknown consultant friend of JULIUS ROSENBERG and the receipt of \$300.00 from JULIUS ROSENBERG, with particular reference to the visit of NINE SIDOROVICH. Information received from RUTH and BERNARD GREENGLASS was made known to DAVID GREENGLASS as an aid in refreshing his recollection of pertinent events.

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He stated that his original statement to the effect that he had first heard of the unknown consultant in March 1949, was in error, and that it is his recollection, with information now furnished by RUTH GREENGLASS, that he first heard of this individual in the latter part of 1948 or early 1949. He recalled that it was shortly before his wife, RUTH GREENGLASS, had an accident in which she cut her leg, and now recalls that this incident occurred in February, 1949 as stated by RUTH GREENGLASS. He also recalled that at that time he had secured \$60.00 from JULIUS, which JULIUS had apparently obtained from the unknown consultant.

DAVID GREENGLASS also agreed with RUTH GREENGLASS' statements as to the death of his father in March, 1949 and JULIUS ROSENBERG'S having paid money for their share of the burial plot. He also remembered that JULIUS had indicated that the money he paid for the burial plot was not a loan, since JULIUS had a friend who was staking him and would not demand the repayment of the money.

DAVID GREENGLASS also stated that he does not now specifically recall that JULIUS ROSENBERG told him that the unknown consultant made \$200.00 per day, but he does definitely recall that JULIUS told him that the man was a consultant on a dam in Egypt, that JULIUS specifically stated that this man had just recently come back to the United States from a trip to Egypt, and that he, DAVID, got the impression that this individual had flown back from Egypt, although he now states that he cannot recall anything specific in this regard, and that he may have been mistaken in the impression that the man had flown back to the United States from Egypt. He reiterated his certainty that JULIUS had specifically commented on this consultant's having recently returned from a trip to Egypt.

DAVID GREENGLASS agreed with RUTH GREENGLASS' impression that the man was a contact of JULIUS' and not a Russian, and DAVID GREENGLASS recalled that JULIUS had specifically stated that this man was a contact. DAVID GREENGLASS also said that it was his impression that the man was not a Russian, and was either a native-born or naturalized citizen of the United States. He also recalled that when JULIUS spoke of his Russian friends he specifically referred to them as "Russian friends" and that he did not so refer to this consultant.

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DAVID GREENGLASS stated that his impression or recollection that this consultant had reportedly been paid \$200.00 a day may have been in error, that if JULIUS had told him that the man made \$200.00 per day he is certain he would have advised RUTH GREENGLASS of same, and that RUTH GREENGLASS has a better recollection of past events than he, DAVID GREENGLASS, does.

DAVID GREENGLASS stated that he now recalls a cold, dry day in New York City when he and JULIUS were at Pitt Machine Products, Inc. He recalled that there was no snow on the ground, but that it was bitter cold, and the windows in the plant were all steamed up. He remembered that JULIUS had received a telephone call at the plant from some man asking JULIUS to meet him, that he mentioned he was going to meet someone and DAVID GREENGLASS followed him to the door, curious to see who he was going to meet and where he was going. He stated, however, that at the door JULIUS specifically told him to go back into the building and stay inside. DAVID GREENGLASS was curious as to the identity of this person JULIUS was going to meet and recalls seeing JULIUS walk toward the luncheonette on the corner of Houston Street and Avenue C. He said that he was afraid that JULIUS would turn around and see him watching, and that he accordingly went back into the plant without seeing the person JULIUS was apparently going to meet.

He said that about ten minutes after JULIUS left the plant on that occasion he, DAVID, walked from the plant to the luncheonette, hoping to get a glimpse of the person JULIUS apparently planned to meet there, but that neither JULIUS nor the man he was to meet was at the luncheonette or on the corner at that time. He stated that JULIUS had apparently gone off with this man as he did not return to the plant on that day. He recalled asking JULIUS about the man when JULIUS returned to work on the following day, but said that JULIUS gave him an evasive answer and gave him no indication as to who the man might have been. DAVID said that he does not know whether this man might have been identical with the unknown consultant. He was unable to advise as to the date of this occurrence, but said it is his present recollection that this occurred about two weeks prior to the time he obtained money from JULIUS which had presumably come from the unknown consultant, and probably at about the same time or possibly shortly after RUTH hurt her leg.

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Concerning JULIUS ROSENBERG'S meeting with ~~MIKE~~ SIDOROVICH, he stated that the date of this occurrence was, as stated by RUTH GREENGLASS, July 2, 1948. He recalls that SIDOROVICH drove his car up to the front of Pitt Products, Inc., and got out, coming into the place. He stated he was on vacation and DAVID asked him whether his wife was with him. SIDOROVICH replied that she was with him, but was then with her mother. He asked for JULIUS ROSENBERG and DAVID told him that JULIUS was not around. DAVID showed SIDOROVICH around the shop and remembers introducing ~~BERNARD GREENGLASS~~ to SIDOROVICH, and that the three of them went to the luncheonette on the corner for a drink. SIDOROVICH told DAVID that he was working for some steam boiler company in Cleveland, Ohio, and DAVID said that it is his recollection that the name of this place was Wilcox and Gibbs, or something similar.

DAVID said that RUTH is mistaken in her belief that SIDOROVICH was then living at Chappaqua in that he specifically recalls SIDOROVICH mentioning his employment in Ohio. He said that he does not recall having told RUTH about SIDOROVICH'S work or the place he was then residing at.

DAVID said that SIDOROVICH did not meet JULIUS at the plant on that day, but that a few days later he mentioned to JULIUS that SIDOROVICH had been in, and JULIUS told him that he had seen SIDOROVICH.

Concerning the statement that RUTH advised that on February 21, 1948, her father fell and broke his hip, DAVID GREENGLASS stated that this was his, DAVID'S, father and not RUTH'S, but that RUTH refers to him as "Pop". He also agreed with RUTH'S statement that on or about June 6, 1948, and shortly before his death, JULIUS LEWIS had given DAVID \$200.00. He recalled that it was at about the same time, i.e. June 1948, not June 1949, and not later in the summer, when he got the \$800.00 from JULIUS ROSENBERG. He recalled that he had been feeling well satisfied with the world, having approximately \$1000.00 and that he had bought himself some new clothing. He recalled planning on going to a movie and then seeing JULIUS LEWIS, who looked at the time as if he were about to die. He recalled that this depressed him considerably and dampened his elation at having \$1000.00. He is certain that he received

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the \$200.00 and the \$800.00 at about the same time, and had the entire \$1000.00 shortly prior to JULIUS LEWIS' death. He also recalls that all during the summer of 1948, when RUTH was in Monticello on vacation, he kept taking \$20.00 to \$40.00 from their safe deposit box to give to RUTH to use while on vacation and feels certain that he did not obtain the \$800.00 after JULIUS LEWIS' death.

Concerning BERNARD GREENGLASS' statement that JULIUS ROSENBERG had stated that the money he borrowed from his friend had to be repaid, DAVID said that JULIUS would tell BERNARD this, whether or not it was true, inasmuch as he would never mention any "contact" to BERNARD and would not admit to BERNARD that he had a source for funds which he would not have to repay. He also said that if the consultant or contact were a widely known engineer or prominent person, JULIUS would not make this fact known to BERNARD and because the money had been received from a contact, which fact he would not want known to BERNARD, JULIUS would "play down" the source of the money and treat it in an off-hand manner.

GREENGLASS was questioned at length for other information which might be of assistance in identifying the unknown subject, but could furnish no additional information.

RUTH and BERNARD GREENGLASS were recontacted, but could offer no further information concerning the identity of the unknown consultant.

III. CONTACTS OF BERNARD GREENGLASS WITH DAVID ROSENBERG AND SAMUEL H. BLOCH

RUTH GREENGLASS advised that her brother-in-law, BERNARD GREENGLASS, had been in contact on several occasions with DAVID ROSENBERG, brother of JULIUS. It is noted that BERNARD GREENGLASS had previously reported that DAVID ROSENBERG had requested his assistance in determining the truth of the charges against JULIUS and ETHEL, and to this end both had agreed to examine the trial record.

NY 65-15348

RUTH advised that she was concerned with the fact that BERNARD GREENGLASS told her that BLOCH wanted him to visit DAVID GREENGLASS at Lewisburg and elicit from him a statement to the effect that DAVID GREENGLASS had been unable to recall the scientific data of the atom bomb that he had turned over to JULIUS ROSENBERG, and that he had been coached by someone in the Government.

BERNARD GREENGLASS was contacted and advised that he had been to BLOCH'S office on two or three occasions and together with DAVID ROSENBERG had examined the trial record. BERNARD stated that because of his recent marriage he did not spend too much time with DAVID ROSENBERG in reading the record. He stated that about November 8 DAVID ROSENBERG told him that it was important that he see EUGENE M. BLOCH. He stated that he went to BLOCH'S office with ROSENBERG, and that BLOCH had advised him that several scientists told him that in their opinion it was not scientifically feasible for DAVID GREENGLASS to remember the technical data concerning the atom bomb that he had turned over to JULIUS ROSENBERG. It was the opinion of these undisclosed scientists that DAVID could not recall such data after a period of five or six years from the time that he had obtained it. BLOCH argued that since this was scientifically impossible, he believed that DAVID GREENGLASS had been coached by some scientist or other individual in the Government. He asked BERNARD GREENGLASS to go to Lewisburg Penitentiary and to advise DAVID GREENGLASS of the opinion of the scientists and endeavor to secure from DAVID in writing a statement that he, DAVID, had been coached by some representative of the Government.

BERNARD stated "Bloch is crazy. He's trying to win me over to his way of thinking, but he can't". BERNARD stated that he did not do as BLOCH requested.

Mrs. TESSIE GREENGLASS advised that she has been talking with BERNARD and she is sure that he will not be won over by BLOCH. She advised that BERNARD is going to visit ETHEL at Sing Sing on November 15, 1952. She stated that she hoped that JULIUS and ETHEL ROSENBERG would come to their senses and cooperate with the Government and attempt to undo some of the harm that they have done to their country. She stated she is certain that if they were represented by someone other than BLOCH they would have done the right thing a long time ago. She advised that on her last visit to ETHEL in the Women's House of Detention in September, 1950 she told the same thing to ETHEL, and that

NY 65-15348

ETHEL held her throat so as she would not break down. She advised that she told ETHEL "you are a dirty Communist, but you should never have harmed your own country". Mrs. GREENGLASS advised that ETHEL refused to see her from that day until the present time.

-P-

NY 65-15348

ADMINISTRATIVE PAGE

MISCELLANEOUS

One copy of this report is being furnished for the various offices listed for information, either under Bureau instructions or because these offices may have leads to cover in this case in the future.

LEADS

NEW YORK

At New York, New York

Will follow and report further motions and applications made by Defendants in either the District Court, Circuit Court of Appeals or the United States Supreme Court.

Will maintain contact with [REDACTED] and report all information from him concerning the subject.

62 b7D

Will maintain contact with RUTH and BERNARD GRANGLASS and report results of future conversations with DAVID ROSENBERG and ETHEL ROSENBERG.

REFERENCE Report of SA JOHN A. HARRINGTON, New York, 8/18/52.

AIR-TEL

FD-36

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

NEW YORK
12/8/52

Transmit the following Teletype message to:

BUREAU

ET AL; ESPIONAGE DASH R. AUSA KILSHBIMER

ADVISED TODAY THAT JUDGE RYAN WAS WRITING AN OPINION ON THE

APPLICATIONS MADE BY THE ROSENBERGS AND MORTON SOBELL. IT IS EXPECTED THAT THE OPINION WILL BE HANDED DOWN ON THE TENTH NEXT. LIEUTENANT CRANE, BUREAU OF SERVICES, NYCPD, ADVISED THAT HE HAS NO INFORMATION CONCERNING THE PROPOSED QUOTE CLEMENCY TRAIN UNQUOTE. HE STATED HE WILL IMMEDIATELY NOTIFY THIS OFFICE OF ANY INFORMATION COMING TO HIM FROM HIS CONFIDENTIAL SOURCES. JOHN HOY, SHERIFF, WESTCHESTER COUNTY, ADVISED R.A. THAT INSPECTOR HOGAN OF NYCRR THAT NYC POLICE ADVISED HIM THAT ~~MARY BROCK~~ OF TWO THREE WEST TWENTY SIXTH STREET, NYC (THIS IS CIVIL RIGHTS CONGRESS HEADQUARTERS) HAS MADE ARRANGEMENTS WITH NY CENTRAL TO SECURE A SPECIAL TRAIN TO GO TO SING SING ON DECEMBER FOURTEEN NEXT. TRAIN WILL LEAVE GRAND CENTRAL SHORTLY AFTER TEN THIRTY, ARRIVE IN OSSINING AT TWELVE SIXTEEN. THIS SPECIAL TRAIN WILL THEN BE SENT TO HARMON, NY, AND WILL RETURN TO OSSINING IN TIME TO LEAVE BY THREE P.M. FOR GRAND CENTRAL. ~~MARY BROCK~~ HAS RECEIVED FROM THE NYCRR SEVEN HUNDRED FIFTY TICKETS. SHE MUST MAKE THE RETURN ON THESE TICKETS BY FRIDAY, DECEMBER TWELVE NEXT. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-22-86 BY 3042 jmt-dgc

3 - Bureau
1 - NY 100-37158
JAH:EMV (#6)

65-15348

Approved: *[Signature]*

Special Agent in Charge

RECORDED-39

G.I.R. INDEXED-39

BOARDMAN

11 DEC 9 1952

Sent

Per

74 DEC 23 1952

617

105-58236-1365

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 10 1952

TELETYPE

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FBI NYC

12-10-52

1-23 PM

JLW

DIRECTOR URGENT

JULIUS ROSENBERG, ETAL - ESP-R. JUDGE RYAN TODAY FILED HIS OPINION

IN THE ABOVE CAPTIONED CASE AND THAT OF MORTON SOBELL. OPINION
STATES IN PART QUOTE I FIND NO RELEVANT OR MATERIAL ISSUE OF FACT
RAISED BY THE PETITIONS WHICH REQUIRES A HEARING THEREON OR
WHICH RENDERS THE TAKING OF ORAL TESTIMONY EITHER NECESSARY OR
HELPFUL UNQUOTE. OPINION CONCLUDES QUOTE THE PETITIONS ARE DENIED
THE FILES AND RECORDS OF THIS CASE AND THE PAPERS AND EXHIBITS
NOW SUBMITTED CONCLUSIVELY SHOW THAT THE PETITIONERS ARE
ENTITLED TO NO RELIEF. SINCE I FIND NO SUBSTANTIAL QUESTION OF
LAW RAISED BY THESE PROCEEDINGS THE APPLICATION MADE ON BEHALF OF
THE PETITIONERS ROSENBERG FOR A STAY OF EXECUTION OF THE JUDGEMENT
PRONOUNCED AGAINST THEM IS DENIED UNQUOTE. THE OPINION IS TWENTY
SIX PAGES AND SEVEN PAGES OF NOTES ARE FILED WITH IT. ORDER ON
OPINION WAS FILED TODAY. PHOTOSTATIC COPY OF OPINION BEING SUBMITTED
UNDER SEPARATE COVER

BOARDMAN

END

1-24 A PM OK FBI HQ DD

67 DEC 22 1952

ALL INFORMATION CONTAINED
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DATE 7-22-86 BY 3042

MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

Mr. Tolson ✓
Mr. Ladd ✓
Mr. Nichols ✓
Mr. Belmont ✓
Mr. Clegg ✓
Mr. Glavin ✓
Mr. Harbo ✓
Mr. Rosen ✓
Mr. Tracy ✓
Mr. Egan ✓
Mr. Gurnea ✓
Mr. Hendon ✓
Mr. Jones ✓
Mr. Quinn ✓
Mr. Nease ✓
Tele. Room ✓
Mr. Holloman ✓
Miss Gandy ✓

RECORDED-21

DEC 16 1952

9017 XG

165-58236-1366

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 5 - 1952

TELETYPE

FBI NYC 12-5-52 11-14 PM TM

DIRECTOR URGENT

JULIUS ROSENBERG, FL, ESPIONAGE-R. AT TWELVE NOON TODAY EMANUEL BLOCH
FILED, WITH THE CLERK OF THE DISTRICT COURT, AFFIDAVITS BY EDWARD RANZAI
OF THE "NEW YORK TIMES," MILTON LEWIS OF THE "NEW YORK HERALD TRIBUNE."
THESE AFFIDAVITS IN EFFECT, STATED THAT THEIR STORIES WHICH APPEARED IN
THE NEWSPAPERS THAT WERE ATTRIBUTED TO PUBLIC OFFICIALS OR OTHERS
ACCURATELY REFLECT THESE STATEMENTS. BLOCH SUBMITTED AN AFFIDAVIT IN
WHICH HE STATES THEY ASKED IRVING H. SAYPOL FOR AN AFFIDAVIT AND TO DENY
OR AFFIRM THE STATEMENTS ATTRIBUTED TO HIM BY VARIOUS NEWSPAPER ARTICLES
AFFIDAVIT STATES SAYPOL REFUSED TO AFFIRM OR DENY THE STATEMENTS.
AFFIDAVIT STATES HE ATTEMPTED TO GET AFFIDAVIT FROM NORMA ABRAMS OF
"DAILY NEWS" AND AN AFFIDAVIT FROM THE REPORTERS OF THE "NEW YORK DAILY
MORROR", "NEW YORK EVENING JOURNAL" AND THE "NEW YORK POST" WITHOUT
SUCCESS. AFFIDAVIT STATES THAT ONE GERTRUDE EVANS OF THE DEPARTMENT OF
JUSTICE, PUBLIC RELATIONS DIVISION, WAS FORWARDING AN AFFIDAVIT AND A
COPY OF THE PRESS RELEASE OF JULY SEVENTEEN, FIFTY, JOINTLY ISSUED BY T.
A.G. J. HOWARD MC GRATH AND DIRECTOR HOOVER. IN HIS AFFIDAVIT BLOCH
ASKED FOR A STAY OF THE EXECUTION. BUREAU WILL BE ADVISED OF
COURT-S DECISION.

RECORDED-21
BOARDMAN

DEC 16 1952

HOLD

CORRECTION THE NEXT TO LAST LINE THE FIRST WORD SHOULD BE "ALSO"
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70 DEC 19 1952

ALL INFORMATION CONTAINED
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DATE 7-22-86 BY 3042 put-etc

ONE BELMONT

Mr. Tolson	
Mr. Ladd	✓
Mr. Nichols	
Mr. Belmont	✓
Mr. Mohr	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Pennington	
Mr. Quinn	
Mr. Nease	
Mr. Gandy	

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Hendon	_____
Mr. Pennington	_____
Mr. Quinn	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Transmit the following Teletype message to:

FBI SAN FRANCISCO 12/8/52 AIR-TEL

DIRECTOR AM REG.

JULIUS ROSENBERG, ETAL, IS-R, DAYLET. DAILY PEOPLES WORLD THIS DATE CONTAINED ARTICLE ENTITLED QUOTE ROSENBERG WITNESS LIED FBI AGENT ADMITS TO COURT UNQUOTE. THE ARTICLE STATES THAT FBI AGENT JOHN A. HARRINGTON ADMITTED IN AN AFFIDAVIT SUBMITTED TO JUSTICE RYAN BY U.S. ATTORNEY MILES A. LANE THAT THE GOVERNMENT WITNESS BEN SCHNEIDER HAD PERJURED HIMSELF WHEN HE TOLD THE COURT THAT HE HAD NOT SEEN THE ROSENBERGS BETWEEN THE TIME HE HAD PHOTOGRAPHED THEM FOR A PASSPORT AND THE TIME HE IDENTIFIED THEM IN COURT FOR THE PROSECUTION. ARTICLE CONTINUES STATING THE AFFIDAVIT ADMITS THE FBI HAD TAKEN SCHNEIDER TO THE COURT SECRETLY SO THAT HE COULD SEE THE ROSENBERGS THE DAY BEFORE HE IDENTIFIED THEM IN COURT. THE ARTICLE STATES THAT THE PHOTOGRAPHER SCHNEIDER HAD TESTIFIED THAT, ALTHOUGH HE PHOTOGRAPHED THE ROSENBERGS SEVERAL MONTHS BEFORE, SOMETIME IN JUNE, FIFTY, HE HAD NOT RECALLED THEM AS HIS CUSTOMERS THOUGH HE HAD SEEN PICTURES OF THEM IN THE PRESS. IT WAS ONLY WHEN HE WAS VISITED BY FBI AGENTS THAT HE SAID HE RECALLED THEM. THE ARTICLE FURTHER STATES THAT, IN VIEW OF THIS DEVELOPMENT, FEDERAL JUDGE SYLVESTER RYAN IS STUDYING MOTIONS FOR A NEW TRIAL BASED PARTLY ON THE CHARGE OF PERJURED TESTIMONY BY A PROSECUTION WITNESS.

BROWN

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DATE 7/22-86 BY 3042

65-4219

CC SAN DIEGO, LOS ANGELES, HONOLULU (AM, REG.)

100-34166 (DAYLET)

Approved: _____

Special Agent in Charge

Sent _____

Per _____

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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

2

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

65-58236- NRs dated 12-4-52 after serial 1368

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 11 1952

TELETYPE

FBI NYC

12-11-52

9-04

PM

JCS

DIRECTOR

URGENT

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Laughlin	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Mr. Gandy	

JULIUS ROSENBERG, ETAL, ESP DASH R. MOTION FOR A STAY WAS
BY CIRCUIT COURT TODAY TO THE ORIGINAL BENCH OF JUSTICES SWAN,
CHASE AND FRANK. JUDGE SWAN WILL ADVISE ALL COUNSEL WHEN
HEARING WILL BE HELD. BUREAU WILL BE ADVISED.

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DATE 7-22-88 BY 3042 put-dlc

BOARDMAN

END

9-04 PM OK FBI WA 2 MESSAGES VH

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cc Branigan

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Letrenton

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT

FROM : W. A. BRANIGAN *WAB*

DATE: November 30, 1952

SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG;
MORTON SOBELL
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 *pwt-d/c*

SYNOPSIS:

An order to show cause was signed by Judge Weinfeld in the Southern District of New York on November 26, 1952, and this motion is to be argued on December 1, 1952. A petition in connection with this order aims at vacating the sentences of the Rosenbergs and Sobell and staying the execution of the Rosenbergs. In the defendants' petition, the following claims are made:

1. The pre-trial publicity, including FBI press releases, precluded the defendants' ability to secure a fair trial.
2. The arrest of William Perl and the publicity therefrom which occurred during the trial of the Rosenbergs and Sobell prejudiced their case.
3. It is alleged that false testimony from David Greenglass was used in that he testified that from his arrest on, he fully cooperated with the Government, which the petition alleges is not true.
4. It is alleged that Greenglass perjured himself. It is also alleged that Greenglass must have been coached by the Government in order to remember the scientific facts to which he testified concerning the atom bomb.
5. It is alleged that another Government witness, Ben Schneider, had perjured himself in stating that he had not seen the Rosenbergs from the time he took their pictures until the date of his appearance as a witness. It is alleged that the day before he testified, he had been brought into court by the Government in order that he might identify the Rosenbergs.

Attachment
RJL:mes

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65-58236-1370

70 DEC 29 1952

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

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6. It is also alleged that the Government falsely classified atomic data as being Secret.

An analysis is being submitted hereinafter covering the various points raised by the defendants as they affect the Bureau. ASAC Whelan of the New York Office has pointed out the United States Attorney's Office expects the defendants' motion to be turned down.

PURPOSE:

To analyze the various points raised by the defendants' petition where they relate to the FBI and to point out misleading statements made therein.

BACKGROUND:

You will recall that Julius and Ethel Rosenberg and Morton Sobell twice made appeals to the Supreme Court for Writs of Certiorari, and both times, the Supreme Court denied these writs. Thereafter, Judge Kaufman of the Southern District of New York ordered that the execution of the Rosenbergs should occur during the week of January 12, 1953. Morton Sobell has also been transferred to Alcatraz. The attorneys for the Rosenbergs and Sobell are now engaged in a last effort to vacate the sentences and to forestall the execution of the Rosenbergs.

On November 26, 1952, Judge Weinfeld in the Southern District of New York executed an order to show cause which is to be argued on December 1, 1952. This order was based upon a petition filed in the names of the Rosenbergs and Morton Sobell asking that the sentences against the Rosenbergs and Sobell be vacated and that the execution of the Rosenbergs be delayed.

In connection with the foregoing, Assistant Special Agent in Charge Whelan of the New York Office was telephonically contacted by Supervisor Sterling B. Donahoe at 3:00 P.M., November 30, 1952, to ascertain if the petition filed by the defense had been carefully analyzed by the New York Office and fully discussed with the Assistant United States Attorney's Office handling the matter. Whelan said this had been done. He said

the United States Attorney's Office feels that the court will turn down the motion promptly when it is heard on argument on Monday morning, December 1, 1952. He said that no evidence will be taken nor are witnesses to be present for this hearing. Whelan stated that if the court decides that a further hearing is necessary, then an agreement will have to be made on the issues to be heard.

It is to be noted that in connection with the Government's answer to the petition made by the defendants, it is contemplated that affidavits will be submitted in the names of several of our Special Agents. A separate memorandum is being submitted which sets forth our position with respect to these affidavits.

PRE-TRIAL PUBLICITY ADVERSELY AFFECTED THE DEFENDANTS' RIGHT TO A FAIR TRIAL:

The petition, in a lengthy 50 pages, undertakes to show that the defendants' right to a fair trial was prejudiced because the public mind had been pre-conditioned to an acceptance of their guilt. It is alleged that information indicating the guilt of the defendants was "fed to" the press by the Federal Bureau of Investigation, the Department of Justice, and the Office of the United States Attorney.

The petition traces the publicity in the Fuchs, Gold, Slack, Brothman, Moskowitz, Vago, Greenglass and Rosenberg cases, quoting at length from various newspaper accounts in an effort to show the Government attempted to create fear and hysteria in the minds of the public, which precluded any rational treatment of the defendants. It is alleged that the Government had already tried their cases in the newspapers by making ex parte announcements of each of the essential issues which later arose in the trial.

The petition quotes from the press release put out by the Director on Julius Rosenberg as it appeared in the New York Times on July 18, 1950. Statements made by United States Attorney Saypol are also quoted.

The petition ends the section dealing with publicity with this statement: "This pre-trial publicity was prosecution without defense. In effect, it was not only testimony without cross-examination, but a special public sponsorship by the FBI--weighted by its prestige and reputation for infallibility--of the credibility of the prosecution witnesses. It was a presentation of

evidence untempered, unchallenged or minimized by evidence offered by the accused. It was, in short, the kind of circumstance, which the court in the Delaney case, stated was conducive to public 'preconceptions as to probable guilt,' which must vitiate the conviction."

Comment:

Press releases were made jointly by the Director and the Attorney General in the following cases directly related to the prosecution of the Rosenbergs:

1. A brief one-page release was made on June 16, 1950, announcing the arrest of David Greenglass. No mention was made of the Rosenbergs.
2. A release was made on Julius Rosenberg on July 17, 1950, which announced his arrest and briefly set forth his background and the essential available facts linking him to Greenglass and others. This release was three pages long, double-spaced, and included a copy of the complaint which had been filed.
3. A release was put out on August 11, 1950, on the arrest of Ethel Rosenberg merely recounting what she was charged with and her background. This release was 1½ pages in length, double-spaced.
4. A 2½ page release, double-spaced, was put out on the arrest of Morton Sobell.

It would not appear on the basis of the foregoing that any weight can be given to the charge that the FBI endeavored to whip up public hysteria. The press releases made in this case were in keeping with the general policy of the Bureau, and the amount of publicity which resulted was brought about by the seriousness of the espionage charges against the Rosenbergs and by the damage done to this country by the theft of the secrets of the atom bomb.

PERL INDICTMENT ALLEGED TO HAVE PREJUDICED THE DEFENDANTS' BECAUSE IT OCCURRED DURING THEIR TRIAL:

It is alleged that the news story announcing the indictment of William Perl broke in the papers on March 15, 1951, during the trial

of the Rosenbergs and thereby prejudiced the Rosenbergs' case.

Comment:

You may recall that it was hoped that Perl would become a Government witness against the Rosenbergs, and when it was found that he would not do so, the decision was made by the Department to arrest him. This was brought about in part by the belief that he might attempt to flee from the country. You may recall that he had been propositioned to do just that at an earlier date.

PROSECUTION USED FALSE TESTIMONY TO BRING ABOUT THE CONVICTION:

The petition charges that David Greenglass perjured himself when he testified at the trial that he did not withhold conscientiously information from the FBI when first questioned and that he did not tell his attorney, at first, to fight the case but only confessed after a deal was effected not to prosecute his wife.

Comment:

Greenglass, when arrested on June 15, 1950, admitted committing espionage while stationed at Los Alamos and in a signed statement, he involved Julius and Ethel Rosenberg. He was reinterviewed on numerous occasions after he had consulted with his attorney, Mr. G. John Rogge, and his wife, and during these later interviews, he further implemented his original admissions. It is our understanding that Mr. Rogge attempted to make a deal with the then United States Attorney, Irving Saypol, and that Saypol refused.

The petition also charges that David Greenglass did not possess the educational and vocational background to prepare sketches of the lens mold and cross-section of the atomic bomb which he delivered to Rosenberg and reproduced at the time of the trial.

Comment:

On the occasion of the interview of David Greenglass on June 15, 1950, he prepared a sketch of a lens mold showing a high explosive implosion device. This was prepared with no assistance or reference books whatsoever. In answering the defendants' petition, the United States Attorney's Office desires

to use affidavits to this effect which have been prepared by Special Agents Leo H. Frutkin and John W. Lewis who were the interviewing Agents of Greenglass. As noted hereinbefore, a separate memorandum is being prepared with respect to these affidavits.

It is also alleged that Ben Schneider, a photographer, perjured himself when he testified on March 27, 1951, that he had not seen Rosenberg since May or June, 1950, when Schneider took passport photographs of the Rosenbergs. It is alleged that Schneider actually saw Julius Rosenberg in the courtroom on March 26, 1951.

Comment:

Schneider, when interviewed on March 26, 1951, identified photographs of the Rosenberg family. On the specific instructions of the United States Attorney, Southern District of New York, Irving H. Saypol, Schneider was brought to the courtroom in order to determine if he could identify the Rosenbergs in person, at which time he did so. The United States Attorney's Office desires an affidavit from Special Agent Walter E. Roetting relative to his interview of Schneider and a separate memorandum is being submitted with respect to this affidavit.

The petition also alleges that the information which Greenglass gave to Harry Gold was actually a principle of physics which had been known to scientists and physicists of all nations prior to World War II and therefore, this information should not have been classified as Secret.

Comment:

The information furnished to Gold by Greenglass related to the Manhattan Engineering District's work on the atomic bomb and was classified as Secret because it dealt with the manufacture and production of the atomic bomb. As you know, efforts to protect the secrecy of this operation were expended probably to a greater degree than on any other scientific achievement of this country. Witnesses were produced at the trial of the Rosenbergs who testified relative to the security standards and secrecy in effect relative to the Manhattan Engineering District's work at Los Alamos. It is hard to see how the defendants can expect the District Court to give this point much consideration.

PETITION OF MORTON SOBELL:

A petition was also filed by Morton Sobell in which he generally alleges the same material as in the Rosenberg petition. He also alleges he was prejudiced by naming him as an atom spy when no proof to this effect was adduced at his trial. He also alleges that he, in effect, was charged with treason while tried for espionage.

Comment:

There is nothing in Sobell's petition which relates to the FBI which has not already been covered previously relative to the Rosenberg charges.

RECOMMENDATION:

The foregoing has been prepared in order to analyze fully the allegations made by the defendants in this case. It is to be noted that the United States Attorney's Office for the Southern District of New York does not feel that the defendants' motion will get them anywhere. You will be promptly advised of any developments in connection with this matter and the various press releases made by us in connection with this case are attached.

W. J. M. ✓ Q R.F.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: December 1, 1952

FROM : MR. L. L. LAUGHLIN

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

Tolson	_____
Ladd	_____
Nichols	_____
Belmont	_____
Clegg	_____
Glavin	_____
Harbo	_____
Rosen	_____
Tracy	_____
Harbo	_____
Tele. Rm.	_____
Nease	_____
Gandy	_____

ASAC Whelan of New York advised at 3:20 P.M. today that the hearing on the motion filed by counsel for the Rosenbergs to vacate the judgment and set aside the verdict, which was scheduled to take place at 2:00 P.M. today, has been postponed until 11:00 A.M. tomorrow, December 2.

The postponement was agreed to by Judge Sylvester Ryan, Southern District of New York, to permit attorneys an opportunity to study further the motions in question.

LLL:mer

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EX-111

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~~SECRET~~

~~CONFIDENTIAL~~

Date: December 10, 1952
To: Director, FBI (65-58236)
From: Legat, Mexico (65-292)
Subject: JULIUS ROSENBERG, et al
ESPIONAGE - R

[REDACTED]

b1

[REDACTED]

b1

The above is being submitted for the information of the Bureau.

Instant case remains in an RUC status in Mexico City.

Enclosure

FTB:rgb

Classified by 234 WPA/EPD 11/1/75
Exempt from GDS, Category 3
Date of Declassification Indefinite

Classified by 3042 PL
Declassify on: OADR
10/23/

ENCLOSURE ATTACHED

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INDEXED - 96

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WHERE SHOWN OTHERWISE

78 DEC 29 1952

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

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DATE 10/23/86 BY 3042 RWT/1760

ENCLOSURE

65-58234-1372

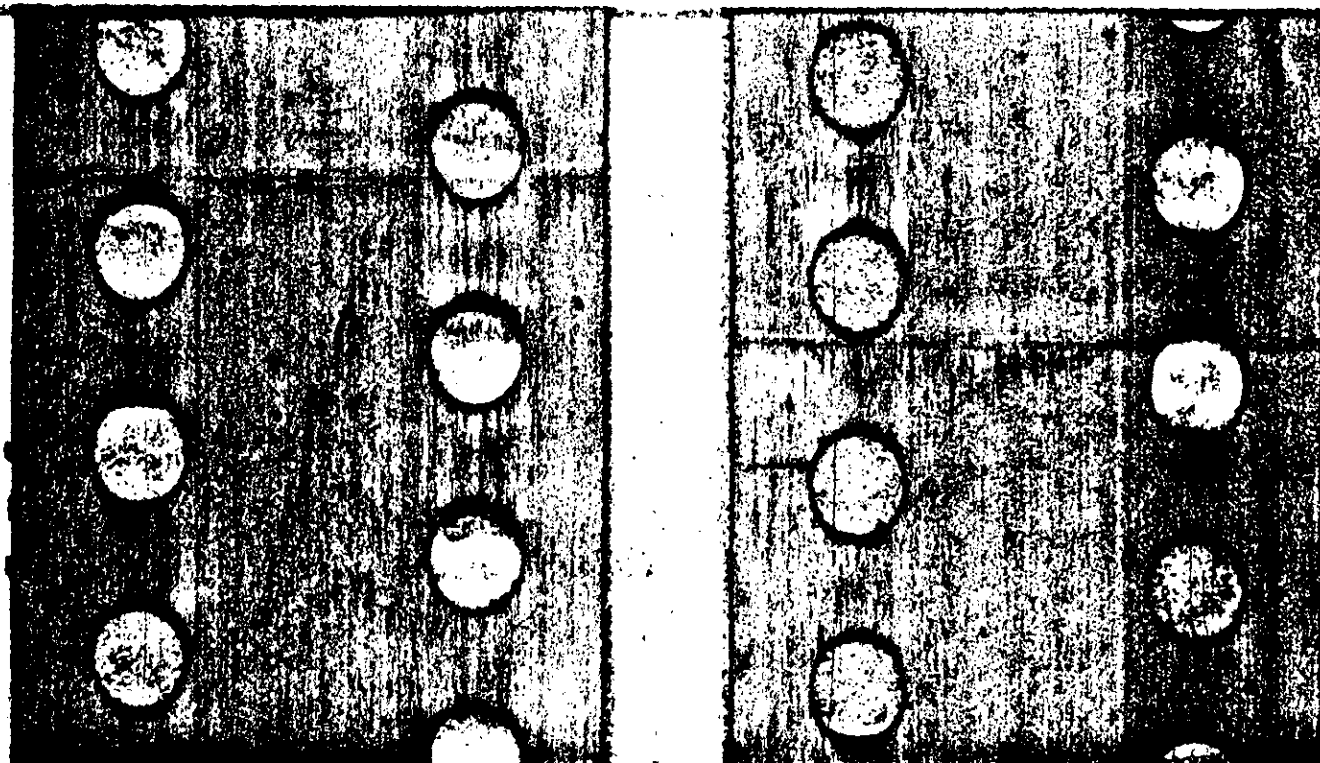
ENCLOSURE TO BUREAU
(Bufile 65-58236)

See Mexico City letter dated 12-10-52

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DATE 10/23/86 BY 3042 PWT/rfb

~~CLASSIFIED INFORMATION ENCLOSURE~~



CONFIDENTIAL

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November 24, 1952

Dear friends:

The Civil Rights Congress will very shortly have ready a pamphlet on the case of Ethel and Julius Rosenberg, now under sentence of death in Sing Sing.

The author is Richard Boyer, who wrote "The Dark Ship," and other works which may be known to you. He is writing the pamphlet in 64 pages, giving a definitive history of the case, and yet presenting it in popular style so that it will be easily readable by the hundreds of thousands of persons who must be reached in this decisive period of the struggle to save the Rosenbergs' lives.

The pamphlet tells a succinct story of the frame-up in all its stages; it contains the statements and analyses of legal experts all over the world who have examined the transcript and who agree that the case is one of the filziest on record; it shows how the entire trial revolved about the testimony of a man who would himself have faced death had he not falsely accused others; it tells of the long-standing private quarrel between this man, David Greenglass, and his brother-in-law, Julius Rosenberg.

The pamphlet also includes much of the moving and eloquent correspondence between Ethel and Julius Rosenberg in the death house.

We urge you to do the following without delay:

- 1) Send for at least one copy of the pamphlet. The price of a single copy is 25 cents.
- 2) If at all possible, send for a bundle order of 10 or more, at the discount rate of 15 cents per copy, or 12 1/2 cents for 200 copies or more. Constitute yourself a committee of one to place this pamphlet in the hands of your friends, neighbors, shopmates, and union brothers.
- 3) Send us, if you can, a contribution of any size, which will be used to place this important pamphlet in the hands of more people.

This activity on your part can be an important contribution to saving the Rosenbergs from the electric chair. We are counting on you as one who has been active in the struggle for civil liberties.

Please mark your communication plainly, stating whether you are sending for a bundle order, or making a contribution, or both. All checks and money orders must be made out to Elizabeth Lawson at this address.

Yours sincerely,

Elizabeth Lawson
LITERATURE CO-ORDINATOR

cpow-25

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WHERE SHOWN OTHERWISE.

Classified by *304222/1/60*
Declassify on: OADR 11/25/76

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AIR-TEL

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

AIR MAIL DISPATCH

NEW YORK
12/12/52

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Rosen
Mr. Tracy
Mr. Laughlin
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Transmit the following Teletype message to: BUREAU

JULIUS AND ETHEL ROSENBERG; ESPIONAGE-R. DAYLET.

ADVISED TODAY THAT "VIGIL" FOR ROSENBERGS
IS SCHEDULED TO COMMENCE IN WASHINGTON, D.C. DECEMBER TWENTY-FOUR
NEXT AND CONTINUE UNTIL EXECUTION OF SUBJECTS. INFORMANT
STATED "VIGIL" WILL CONSIST OF PICKETING IN FRONT OF WHITE
HOUSE. PRESENT PLANS CALL FOR "VIGIL" TO CONTINUE ON TWENTY-FOUR
HOUR BASIS. INFORMANT STATED THAT SAME KIND OF "VIGIL" WILL
TAKE PLACE AT CRANE SQUARE IN HUNTS POINT SECTION OF BRONX, ON
DECEMBER TWENTY-FOUR AND CONTINUE UNTIL EXECUTION. DIFFERENT
SECTIONS OF COMMUNIST PARTY IN BRONX COUNTY ARE SCHEDULED TO
PARTICIPATE IN "VIGIL" AT DIFFERENT HOURS ON DIFFERENT DAYS.
INFORMANT ALSO SAID PUBLIC RALLY SPONSORED BY ROSENBERG COMMITTEE
WILL BE HELD ON DECEMBER TWENTY-TWO NEXT, AT PUBLIC SCHOOL
NINETY-FIVE, BRONX, COUNTY. THE RECEPTION FOR THE DELEGATION
WHICH WILL GO TO WASHINGTON ORIGINALLY SCHEDULED FOR DECEMBER
NINETEEN NEXT, WILL NOW BE HELD DECEMBER TWENTY-THREE, NEXT,
AT MANHATTAN PALACE, NYC. INFORMANT STATED THAT COMMUNIST
PARTY IS NOW PARTICIPATING VERY STRONGLY IN THESE DEMONSTRATIONS
FOR ROSENBERG.

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COPIES DESTROYED

DATE

10/23/86

BY SP-3 J. DAYLET

EX-102

12-17-55

65-58238-1372

86 NOV 9 1960

- 3 - Bureau (AIR MAIL)
- 1 - NY - 100-107111 (Rosenberg Committee)
- 1 - NY 100-80675 (CRC)

Approved: b2 b7D

J. D. E. J. C. Special Agent in Charge

Sent _____ M Per _____

MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

70 DEC 30 1952

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 9 - 1952

TELETYPE

FBI NYC

12-9-52

9-45

PM

JCS

DIRECTOR

URGENT

ALL INFORMATION CONTAINED
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DATE 7-22-86 BY 3042 put-BJC

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Laughlin	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

DAYLET JULIUS ROSENBERG, ETAL, ESP DASH R. LT. JOSEPH MURPHY,

PENNSYLAUNIA RR POLICE, ADVISED THAT AN UNKNOWN REPRESENTATIVE OF THE NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE /NCSJRC/ INQUIRED AT TICKET OFFICES OF THE PENN. RR TO MAKE ARRANGEMENTS FOR SECURING TRANSPORTATION VIA PRIVATE TRAIN FOR ONE THOUSAND PERSONS TO GO TO WASHINGTON, DC ON JAN FOUR, NINETEEN FIFTY THREE.

THE RR WAS ADVISED THAT FIVE HUNDRED PEOPLE WOULD RETURN TO NY ON THE NIGHT OF JAN FOUR AND THE REMAINING WOULD RETURN THE FOLLOWING DAY. NO PAYMENT WAS MADE ON ACCOUNT OF TICKETS AND MURPHY WILL ADVISE PROMPTLY OF ANY FURTHER NEGOTIATIONS ON PART OF THE COMMITTEE. THE "DAILY WORKER" OF THIS DATE, ON PAGE THREE, CONTAINS AN ANNOUNCEMENT AS FOLLOWS., "THE NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE ANNOUNCED YESTERDAY THAT IT HAS OBTAINED THE LARGEST HALL IN WASHINGTON, DC, THE NATIONAL GUARD ARMORY, FOR THE CLEMENCY GATHERING AND PRAYER MEETING IN WASHINGTON ON SUNDAY, JAN FOUR, NINETEEN FIFTY THREE, AT TEN AM.

ADVISED TODAY [REDACTED] TOLD MERT LAYIN THAT THE TRAIN TO SING SING LEAVES DEC FOURTEEN NEXT AT TEN THIRTY AM, BUT THAT THE CARS SHOULD LEAVE AT NINE AM. THE FIRST INDICATION THAT MOTOR CARS WILL PROCEED TO SING SING. RA AT WHITE PLAINS ADVISED. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

68 JAN 5 1953

USED IN DAYLET 12-17-52

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